

# TRIAL OF GANDHIJI





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*A party given by Rastamander at Round Bay from a sketch made in 1888 while awaiting the boat*

By the courtesy of—  
Rastamander at Round Bay



“ But he was wounded for our iniquities;  
he was bruised for our sins,  
The chastisement of our peace was upon him:  
and by his bruises we are healed”.

[ *The old Testament of Isaiah 53:5* ]



## PREFACE

For the last two years or more, the High Court has been collecting records of historical and other interest from the papers lying in various courts in the State of Gujarat. Amongst the records so far collected by the High Court, the most important material is that of Gandhi's trial, which took place on March 18, 1932 in Ahmedabad.

The trial, though it has already been the subject matter of many a work, has not yet ceased to excite interest. It was felt that if the original record of the trial was published, it would serve as historical material for some future legal historian. For the present generation too, it would be of great interest, for the documents published in their original form would give a vivid idea of the handwriting of Mahatma Gandhi and to a certain extent also the province of his thought. These two are the principal objects with which the High Court of Gujarat decided to publish the present work.

The book is divided into four parts. They are (i) Introduction by the Honourable the Chief Justice, (ii) The Commercial Proceedings, (iii) The Proceedings of the Sessions Trial and (iv) Miscellaneous papers.

The work contains several plates relating to documents and statements which are either in the handwriting of Gandhi or signed by him. These documents were in the first instance microfilmed and thereafter enlarged photographs were made from these films. From these photographs, the Director of Printing and Stationery prepared blocks which have been used in printing the plates in this book.

### Photo-plates in Part II.

Plates Nos. 1 to 8 refer to the notes which appear to be in the handwriting of Gandhi and they relate to "Run on Khaddar Caps." These notes were written on pencil on inferior quality of paper of the size reproduced in this book. Plates Nos. 9 to 39 contain notes about "The meaning of Mohli's Runing." These notes also appear to be in the handwriting of Gandhi. There is no signature at the end of either of these notes. Plate No. 41 is a recommendation in the handwriting of Gandhi, containing a direction to the printer of Young India to print them in the current sense of that paper.

Plates Nos. 12 and 13 relate to a letter written by Mr. Ramabhai Prasad to the Editor of Young India. There is an endorsement below that letter which appears to have been corrected at some places. The endorsement and the corrections also appear to be in the handwriting of Gandhiji.

The above articles and the letter were seized under a search warrant issued by the District Magistrate, Ahmedabad. The *Procès-verbal* made at the time of the seizure is at page 27 in this book and the articles and the letter bear the initials of the *pawān*.

Plates Nos. 34 to 37 are of a letter written by Mr. Zafarullah from Central Jail, Ferozpur to Gandhiji on 30 February, 1932. The letter refers to a ban on Khaddar Caps for certain prisoners in the jail. This letter appears to have prompted Gandhiji to write the article "Ban on Khaddar Caps."

Plates Nos. 38 to 54 relate to telegrams and correspondence which Gandhiji had with the Registrar of the High Court of Bombay in connection with a contempt case pending against Gandhiji in that High Court. These papers were produced in the case by the Registrar of the Bombay High Court presumably to establish that Gandhiji was the Editor of Young India. Plates Nos. 55 to 58 relate to a letter written by Gandhiji to Mr. Chutfield.

Plate No. 59 is the statement of Gandhiji recorded in English by the Additional District Magistrate, who held the committed proceedings and bears the signature of Gandhiji in English. The same statement, recorded in Gujarati and signed by Gandhiji in Gujarati, is reproduced in Plates Nos. 60 and 61.

Plate No. 62 contains the order of commitment passed by the Additional District Magistrate committing Gandhiji and the Editor of Young India to the Sessions Court for trial.

### Photo-plates in Part III.

Plates Nos. 63 to 66 relate to the notes made by the Sessions Judge in his own hand relating to the trial. These notes contain the plea of Gandhiji, the argument of the Advocate General that the Court should not convict Gandhiji on his plea of guilty but should proceed with the trial and the reasons given by the Sessions Judge for convicting Gandhiji on his own plea. In reply to a question by the Sessions Judge whether Gandhiji had to say anything in regard to the sentence, Gandhiji asked for permission to read a prepared statement, which he was permitted to do. That prepared statement will be found at plates Nos. 68 to 72. On plate No. 62, there appears the signature of Gandhiji.

Plate No. 67 is a typed order signed by the Sessions Judge

Plates Nos. 93 to 101 contain the shorthand transcript proceedings of the Sessions Trial beginning with the framing of the charges and ending with the conviction of Gandhiji and the sentence passed on him. The last plate contains the statement of Gandhiji acknowledging the charges shown to him by the Sessions Judge during the trial. At the end of plate No. 101, there is an endorsement by the Sessions Judge that the shorthand transcript should be preserved with the papers of the case.

Plate No. 102 is the warrant of commitment of Gandhiji to jail. Plate No. 103 is the order dated the 4th of February 1924 passed by the Governor in Council ordering the release of Gandhiji from the jail. Plate No. 104 relates to the original warrant of commitment to jail which is returned by the jailor on release of Gandhiji on February 5, 1924. It contains the endorsement of release of Gandhiji by the jailor. Plate No. 105 contains endorsement on the reverse of warrant in plate No. 104.

Some of the plates have exhibit numbers written on them. They were the exhibit numbers given either during the committal proceedings or the sessions trial.

So far as the documents written by Gandhiji are concerned, care is taken to see that the plates are reproduced so as to be of the same size as the original documents. Some of the plates have faint writings. This is attributed to the fact that the writings are in pencil and they are written on inferior quality of paper which has now become grey in colour.

In some of the documents as well as in depositions, certain abbreviations are used. A list of these abbreviated words with the corresponding full words is placed immediately after the Table of Contents.

I thank the Government of Gujarat for sanctioning a suitable grant to meet the cost of the publication of this book. I would be failing in my elementary duty if I were not to acknowledge my sense of gratitude towards our late Chief Minister, Shri Balwantray G. Mehta, who not only made available the grant for the publication of this book but took a sustained interest all throughout in its preparation. It is a tragedy of the highest order that he was snatched away from amidst us as a result of unforeseen and untimely enemy action at about the time when this volume was ready to go to the press. I cannot help expressing my sense of deep sorrow and shock that he is no more with us to see the fruits of his deep and sympathetic interest.

I express my deep gratitude to Shri Ravvhanbhai M. Raval, the renowned artist of Gujarat for kindly permitting to publish two sketches prepared by him and a photograph of the arrangement he prepared subsequently of the setting of the trial. The two sketches were actually prepared by him while witnessing the trial and it was with the help of these sketches that he prepared an oil painting of the setting of the trial including the principal characters involved in the trial. The arrangement shows Gandhiji, Judge Broomfield, Sir Thomas Stringman, the Advocate General in charge of the prosecution, the Government Pleader, Kasturba, Mahadevji, Sarojini Naidu and others.

I also express my thanks to the authorities of the Gujarat Vidya Peeth for the co-operation accorded by them in the preliminary work in connection with this book. I have also the pleasure to record my thanks to Mr G. J. Gondecha the Director of Printing & Stationery Government of Gujarat for his assistance in executing this work promptly.

I would also like to acknowledge the help rendered by Mr N. K. Prabhu, the Private Secretary to the Hon'ble the Chief Justice in preparing the text for the Press and thank him for the same.

I am indeed very grateful to the Hon'ble the Chief Justice and other Hon'ble Judges of the Gujarat High Court for graciously permitting me to publish this book.

High Court,  
Ahmedabad - 9  
September 22, 1963.

V. R. SHAJI  
Registrar

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# LIST OF ABBREVIATIONS

A.	Answer
Acc.	} Accused.
Acad	
A D M.	} Additional District Magistrate.
Addl.D.M.	
Ahd.	Ahmedabad.
A G REGR	Acting Registrar.
A.S.	Appellate Side
Bom L.R.	Bombay Law Reporter
C.D.	Chancery Division
C.P.	Central Provinces
C.P.C.	} Criminal Procedure Code.
Cr.P.C.	
Cn Pro Code	
Crim Pro Code	} District Magistrate
D.M.	
D.S.P.	District Superintendent of Police.
Ex	} Exhibit
Exh	
Head C.	Head Constable.
Hon. Mtr.	Hon. Minister
I.P.C.	Indian Penal Code
K.B.	Kings Bench
P.P.	Public Prosecutor
Q	Question
Q.B.	Queens Bench
Recd.	Received
Regt.	Registrar.
S.J.	Sessions Judge
Sec.	Section.
Shd	Should
S.I.	Sub Inspector
U.P.	United Provinces.
Vol	Volume



## PART I





## INTRODUCTION

### I

Barring the trial of Socrates there is perhaps no trial in the history of mankind comparable to that of Gandhi which stimulated so much interest and whose influence on the life of humanity has been so profound. Involving as it did the issue of morality versus law, it is but natural that the trial of Gandhi must immediately bring to mind that incident involving hundred years. Miletus the prosecutor of Socrates, indicted his accused of two charges: one of not worshipping the gods whom the State of Athens worshipped and the other of introducing novel religious practices and of corrupting the young by his teachings. He demanded the penalty of death. The similarity of attitudes adopted by Socrates and Gandhi towards the tribunals which tried them is at once manifest, for, each placed Truth above law and sought the punishment which the breach of the law warranted.

Socrates could have escaped his condemnation by death if only he had chosen exile which the Attic Law permitted. But he remained quietly at Athens awaiting his trial. As a strict constitutionalist, he held that the State had a right to hold an inquiry into the character of a citizen and it was the simple duty of a citizen to face such an inquiry. From his defence, however, it is clear that he did not court death but desired an honourable acquittal provided such acquittal did not involve any compromise with Truth. As to the first charge, he was content to show that Miletus either would not or could not explain what it precisely meant. But he paid serious attention to the second charge and offered to rebut it by calling witnesses. He, however, admitted that he had undertaken the work of examining all and sundry as regards their ignorance of the one kind of knowledge which was of supreme moment, knowledge of how to make one's soul and those of others "as good as possible". To desert from such a mission, he said, would be rebellion against God and therefore nothing short of death would deter him from prosecuting it.

When the court gave verdict against him, Socrates, according to the prevalent procedure, had to propose an alternative penalty. Every-one present there believed that he would propose exile. It is certain that if he had done so, the court would have been content to impose exile rather than death. But at that stage again, he stood true to his principles. He held he said, that his mission had been a god-given benefit to Athens and that he should be given the exceptional privilege conferred on the victors at the Olympic games and ancient generals of a seat for life at the public table in the Prytaneum. Holding this view, he could not conscientiously propose exile.

The court was irritated by such uncompromising defence and voted death penalty, this time by a larger majority. Undaunted by the sentence, he addressed a few words to the minority amongst his judges who were throughout in his favour. He declared that he would cheerfully accept the sentence of death, for death was no evil, at worst it was no more than an unbroken rest. And so it was not a thing to be feared for the death of a good man was an entry to a better life. He therefore could expect happiness in going before the righteous and all wise judges of the dead, who would certainly reverse the decision of the misinformed and the prejudiced court which had tried him and in meeting famous men of older days including some who, like himself, had been unjustly condemned by their contemporaries. [ Besides there would be no danger there of his vocation of cross-examining his company being cut short by another sentence of death.]

While in confinement before the execution of the sentence, his friends from Elm and Thete tried to secure his escape by corrupting the authorities but Socrates would not agree. The reason as given in Plato's *Crito* was that such an escape would stultify the professed principles of a lifetime. Though the verdict of the court was false in fact procured as it was by misrepresentation incredible to the prosecution, it was, nevertheless, a legal finding of a legitimately constituted court and the State had therefore the right to its enforcement. The wrong done to him was committed not by Athens but by his prosecutors. If he should break the prison, it would be a crime against the State and its laws and an act of treason against the spirit of citizenship. Socrates thus had all the loyalty to conscience

of a modern conscientious objector combined with a respect for the public conscience.

It was Socrates then who some two thousand years ago created the conception of the soul which has ever since dominated the world thinking. The mission of life which he continuously preached to all and sundry of making the soul "as good as possible" was on the one hand to attain the knowledge of existence as it really is and, on the other, to base one's moral conduct on a true knowledge of moral values. The Greek mind made no distinction between the principles of private and public conduct, "morals and politics" and Socrates constantly applied his mind to the identity of 'goodness' with a right estimate of values to the morality of the State and its Statesmen. The worth of a State and of its public men depended, in his eyes, wholly on the degree to which the national life was based on a true measure of good. With all his loyalty to the constitution, it was out of question that he should approve the principle of the divinity or infallibility of the *Polis*, people or of the sovereignty of the multitude, devoid of the knowledge of the good and who had never dreamt that such knowledge was a necessary qualification, *a sine qua non* for the direction of State affairs.

The trial of Gandhi is of profound significance in the political and juristic philosophy because like the trial of Socrates it concerns itself with the conflict between the issue of allegiance to the State on the one hand and, on the other, with duty and morality as the person concerned believes it is of his purposeful sincerity. Equally it is of profound significance in the history of mankind for the world has hardly seen such a struggle for truth with such amount of magnanimity.

In the case of Gandhi, the trial was certainly not that of a mere political agitator. Had it been so, it would not have aroused as it did, so much interest throughout the civilized world. The conflict between him and the State involved profound issues, as it did in the case of Socrates, issues arising out of a philosophy of life, arrived at after an epic struggle, which ultimately turned him from a loyal citizen to a mighty undaunted civil resister. To comprehend that transformation a few facts have to be recapitulated though they were notorious to the generation in which he lived and struggled. The

himself. He did at first for it was in a man who in 1889-1906 and more than rendered voluntary services to the British Empire in the hope, that the Empire would render unto India what justly belonged to her – a status of equality indispensable for the full moral growth of the followers. His failure to move that Empire in which he had at one time both turned him into a civil resistor against it and its ardent lover. It was a conversion born out of the womb of a deep disillusion.

## II

Relying on the declared aims of Great Britain and her allies during the First World War that their fight was for making the world safe for democracy, for protecting weak nationalities and for conferring the blessings of self-determination on all peoples, India had responded to the call of the British Empire in a magnificent spirit. According to one writer, her total contribution of combatants was 5,83,000 men and of non-combatants 4,72,000 aggregating 14,57,000. Her contribution in money was no less magnificent in that it aggregated even on a rough estimate as much as Rs. 200 crores. In August 1917, Sir Edwin Montague, the then Secretary of State for India, had made in the Parliament what appeared to be a solemn declaration assuring full responsible Government to India within the British Empire by gradual transference of power to popular control. This and other such declarations made from time to time raised hopes that in view of the remarkable contributions that India had made resulting in the victory of the Allies, the status of an equal partner in the British Commonwealth would be conferred upon her. Gandhiji was invited to and even participated in the War Conference held at Delhi on April 27, 1918 when the message of King George V was read out which declared that "the need of the Empire is India's opportunity." Gandhiji supported the resolution of loyalty to the British Crown and accordingly engaged himself in recruiting volunteers for the army in Kaira District.

In his letter to the Viceroy Gandhiji, however, explained his own position in agreeing to attend that Conference and his readiness to support the resolution relating to recruitment. "I recognise," he wrote:

"that in the hour of its danger we must give, as we have decided to give, ungrudging and unequivocal support to the Empire of which we agree in the near future to be partners in the same sense as the Dominions overseas. But it is the simple truth that our response is due to the expectation that our goal will be reached the more speedily. On that account, even as performance of duty automatically confers a corresponding right, people are entitled to believe that the imminent reforms alluded to in your speech will embody the main general principles of the Congress-League Scheme."

And again:

"The Conference means to me, and I believe for many of us, a definite step in the consecration of our lives to the common cause, but ours is a peculiar position. Ours is a consecration based on hope of better future. I should be untrue to you and to my country if I did not clearly and unequivocally tell you what that hope is. I do not bargain for its fulfillment, but you should know that disappointment of hope means disillusion."

A such disillusion was in store, for the British politicians entertained no intention to fulfil their pledges even when they were made, and were determined to continue their hold on India as firmly as before. Realising that when the war came to an end and the educated classes found themselves betrayed, their resentment might burst into violence, the British prepared the blue prints of a scheme for steering the tide of nationalism even before the actual end of the war. The scheme was to continue in full repair most of the provisions of the Defence of India Act which had curtailed the liberties of the people. For that purpose, the Government of India appointed the Rowland Committee to report on the growth of revolutionary movement in India and to suggest remedies to put it down effectively.

On January 18, 1919 the Government published the report of the committee which recommended virtually the perpetuation of that Act. The Rowland Bill containing the recommendations of the

unanimous vote was introduced in the Legislative Council at Delhi. A nationwide indignation swept throughout the country like a tidal wave against the wicked machinery towards a country which had stood in the Empire at the head of its deadly crime. Meetings after meetings were held in quick succession throughout the country calling for the immediate withdrawal of the Bill. The press freshenments on the part of the British Government gave a rude shock to Gandhiji's belief, till then entertained, of the benevolent character of the Empire. Having now seen its marked list he started preparations for launching Satyagraha against the Black Bill.

The 6th of August 1919 was fixed for an all India *Ahimsa* *Ashtak* and was characteristically declared by him as a day of fasting, prayer and penance. The *Ashtak* was an overwhelming success and represented a challenge to and defiance of the administration. The challenge was first taken up in the Punjab. Sir Michael O'Dwyer, the Governor, gave the first signal by deporting the principal leaders, Dr. Kishore, Dr. Satyopal and Pandit Ramdass Dutt Chaudhary. On April 13, 1919 General Dwyer and his soldiery perpetrated massacre at Jallianwala Bagh in Amritsar killing 300 men, women and even children and wounding at least three times that number. Martial law was declared in various towns and a large number of innocent persons were clapped in jail. A number of persons were flogged in public and even made to crawl on their stomachs. Not to allow these brutalities to be known outside the province, the Government imposed strict censorship and restricted movements of persons. Despite these precautions reports about these happenings began to reach the ears of Gandhiji. On April 16, 1919 he started for the Punjab but was arrested half-way at Mathura and sent back to Bombay under police escort.

Reports of his arrest led to disturbances resulting in outbreaks of violence in Ahmedabad, Bombay and other towns. Before Gandhiji could come to Ahmedabad, the Government of Bombay clamped martial law on the city. That was soon withdrawn as Gandhiji personally went round the city to help restore order. He had already declared the 18th of April as the date when Satyagraha was to be launched but withdrew it describing it a Himalayan misadventure.

The Hinduayan miscalculation lay, according to him, in placing the remedy of mass civil disobedience in the hands of those who lacked the habit of willing obedience to laws without fear of their sanctions.

Those only, he said, attain the right of offering civil disobedience who know how to offer voluntary and deliberate obedience even to adverse laws so long as such laws did not hurt their conscience or religion. Referring to this incident he wrote in his autobiography —

"A satyagrahi obeys the laws of society intelligently and of his own free will, because he considers it to be his sacred duty to do so. It is only when a person has thus obeyed the laws of society scrupulously that he is in a position to judge as to what particular rules are good and just, and what unjust and inequitable. Only then does the right accrue to him of the civil disobedience of certain laws in well defined circumstances. My error lay in my failure to observe the necessary limitation I had called upon the people to launch upon civil disobedience before they had qualified themselves for it, and this mistake of mine started to me to be of a Hinduayan magnitude."

This expression soon obtained wide currency with his opponents. "My confession", he wrote, "brought down upon me no small amount of ridicule. But I have never regretted having made that confession."

The atrocities perpetrated on the Punjab created so much indignation not only in India but also in England that the Government had *per force* to appoint a Commission, the Hunter Commission, to justify the cruel measures it had taken. The Congress decided to boycott the Commission and as a logical consequence, a non-official committee consisting of Gandhiji, Motilal Nehru, C. R. Das, Abbas Tyabji and M. R. Jayakar was appointed to submit a parallel enquiry. The report of this committee and even the report of the official Commission revealed the measure of sickening barbarity committed by the Government. These revelations naturally caused widespread resentment, which was further accentuated by the lame efforts of the Government to whittle down the crimes committed by the soldiery and the Punjab Constabulary. The report prepared by the committee under Gandhiji's chairmanship could not be challenged as "not a

and sentences regarding the violence of which there was the slightest chance to doubt was permitted to appear in the report". Gandhi stated that "this report prepared as it was solely with a view to bringing out the truth, and nothing but the truth, will enable the reader to see to what lengths the British Government is capable of going and what inhumanities and barbarities it is capable of perpetrating in order to maintain its power".

On August 1, 1930, Gandhi gave the signal for his non-cooperation movement by addressing a letter to the Viceroy, surrounding the decorations awarded to him for his wartime services. He informed the Viceroy that the ordinary method of agitating by way of petitions and deputations was no remedy for moving to repentance a Government "so hopelessly indifferent to the welfare of its charge as the Government of India has proved to be". In the Western countries, condonation of such barbarities as in the Punjab would have resulted in bloody revolution but "half of India is too weak to offer violent resistance and the other half is unwilling to do so". In the circumstances, he said, he had decided to suggest the remedy of non-cooperation enabling those who so wished to dissociate themselves from the Government and which, if it was not metted by violence, must compel the Government to undo the wrongs committed by it. As a true Sarpagruha, he gave the Government the opportunity to do justice by summoning a representative conference to remedy the Khilafat injustice and to repair the wrong done to the Punjab.

In an article, "The Doctrine of the Sword", he expounded his views on the superiority of non-violence over violence. "I am not a visionary but a practical idealist", he claimed. Religion of non-violence was not meant only for the redoubt but was meant for the common people as well. Non-violence was the law of our species as violence was the law of the brute. The spirit lies dormant in the brute and he knows no law but that of physical might. The dignity of man, however, requires obedience to a higher law. The sages of old, who discovered the law of non-violence in the midst of violence, were higher geniuses than Newton and greater warriors than Wellington, for, having known the use of arms, they realised their futility and taught a weary world that its salvation lay not through violence but through non-violence. He added, "If India



take up the doctrine of the sword, she may gain momentary victory. Then India will cease to be the pride of my heart. I believe absolutely that she has a mission for the world. She is not to copy Europe blindly. India's acceptance of the doctrine of the sword will be the hour of my trial. I hope I shall not be found wanting. My religion has no geographical limitations. I have a living faith in it, it will transcend my love for India herself." To those who regarded non-co-operation as a negative movement, he replied that his non-co-operation with Great Britain presupposed the co-operation of all Indians and in that end he strove for the unity of all classes especially between Hindus and Muslims. The Viceroy tried to kill the movement by ridicule characterising it as futile, ill-advised, extrinsically insane and impractical. But Gandhiji retorted by calling upon the nation to return an effective answer by organised non-co-operation and convert ridicule into respect. "Ridicule is like repression", he wrote. "Both give place to respect when they fail to produce the intended effect."

The Gujarat Political Conference held in the end of August 1920 foreshadowed the events that were soon to follow and passed the non-co-operation resolution moved by Gandhiji. The issue raised by the Conference was regarded as sufficiently important for summoning a special session of the Congress in September at Calcutta. Against the opposition of such veterans as Mrs Besant, Malaviya, Motilal Nehru, C. R. Das and Jinnah, Gandhiji moved the resolution of non-co-operation which was passed by a majority vote of 1836 against 873.

To those who voted for the resolution Gandhiji addressed an exhortation pleading for the success of the triple boycott of schools and colleges, law courts and councils. The 'three-fold *swaya*', as he called these institutions, was to be substituted by our own education, by regulating legal disputes through arbitration and by cultivating indifference to the legislation made through councils. Regarding the law courts, he wrote, "Satya employs comparatively moral instruments and the language of ethics, to give his aims an air of respectability". His objection to the law courts was because they inspired awe, moral prestige and an air of respectability which gave permanence to the authority of the Government.

In 1930, after the movement had gathered sufficient momentum, the first stage of the non-violent struggle. "Either the Government will bend to the will of the people which is being expressed in an unmistakable term through non-co-operation or it will attempt to crush the movement by repression", declared Gandhiji. As a true Satyagrahi he even appealed to the Englishmen in India warning them that though he defied the Empire they must be had no personal ill-will against them as individuals and invited them to make common cause with the people of India, whose will they ate, and urged them not to thwart their aspirations. In December 1930 came the Nagpur Congress when, despite considerable resistance, the resolution for non-co-operation in a more comprehensive, definite and effective form than the one at Calcutta was accepted. The passing of this resolution and the new constitution of the Congress marked the real entry of Gandhiji in Congress politics, his emergence as the supreme leader of the national movement and the transformation of the Congress as a modern political party penetrating the country's thousands of villages. For the first time the Congress represented the masses and became a truly revolutionary body with Gandhiji as its prime leader.

The Government began to show signs of panic as the movement under the banner of the new creed began to blossom forth in all its full vigour. The first sign of the panic showed itself when it issued a proclamation containing both threats and cajolery. The move was to discomfit Gandhiji by conciliating the Liberals. The first fruits of that policy were seen in an open letter issued by Sir James Scott deploring the unreasoning opposition to the Government and telling Gandhiji's programme impracticable. "I confess", wrote he, "the idea of going to the Congress no longer appeals to me". Mrs. Buxant and her followers too allied themselves with the Liberals in their opposition to Gandhiji. Chatterjee who in December presided over the Liberal Federation at Madras declared that the opposition of the Liberals to the new creed sprang from their conviction of its futility and pleaded for a constitutional approach to the demand for self-government. Responding to the opposition of the Liberals manoeuvred by it the Government began to shower honours on those who opposed the Congress. Saradasmuth Bhermjee was

awarded Knighthood, gave the post of an Imperial survey and Lord Salts the governorship of Bihar.

To follow up the initial advantage, the British Government decided to send the Duke of Cornwall to assess the extent of the movement under the guise of opening the new legislatures in Delhi and the three Provincial capitals, Calcutta, Madras and Bombay. Along with the Duke the King sent his personal message regretting the Punjab tragedy, expressing his sympathy for the sufferers and proclaiming the beginning of self-government "within my grasp". Gandhi announced his resolve to boycott the visit of the King's uncle but assuring him at the same time that he was not at war with individual Englishmen but with the system which enmeshed the country in body, mind and soul. Such a system of government, he said, was humiliating to the country and could not also be "a matter of pride to you" making it possible for thirty crores of Indians to live day in and day out in fear of their lives from only one hundred thousand Englishmen. "Your Royal Highness", concluded he, "has come, not to end the system I have described, but to sustain it by upholding its prestige". From that time onwards, the spectre of the boycott of the visit followed the royal visitor wherever he went.

By the beginning of the year 1921 the movement had struck the imagination of the people. An atmosphere as of intoxication under the magnetism of Gandhi's personality spread over the entire country which stripped off all feeling of fear and frustration and gave to the movement a mingled air of nationalism, revolution and mysticism. By March-April, the spirit of defiance spread to the villages also. Even Gandhi with all his caution felt the entire country responding to his call and vibrating with the vigour of the new spirit. He recalled the prophetic words of Lord Cornwall that "under the blue and serene Indian sky a cloud no bigger than a man's thumb may appear on the horizon but it may at any time assume dimensions unexpected by any, and no man can tell when it may burst". Indeed the cloud had appeared, had assumed unprecedented dimensions and it appeared as if it would burst at any moment. That was also the feeling of Lord Reading, the new Viceroy.

As the morale of the people grew, that of the Government under men ebbed. Nevertheless the people had not inhibited the true spirit of the creed and the unthinking part of them were getting restive and impatient. Signs of angry violence appeared here and there providing an excuse to the Government to resort to repression and creating tensions which Gandhi feared might sabotage the structure which he had so audaciously built up with such conspicuous success.

By May 1931, the situation had grown so tense that Lord Reading thought it necessary to invite Gandhi for an interview. The Viceroy had six talks with him lasting in all 13 hours and so had sufficient time to adjudge him. The Viceroy felt that there was nothing striking about the appearance of his guest but was far enough to concede that as soon as Gandhi talked, the impression he created, was different. "He is direct", he reported to his son. "There is no hesitance about him, there is a ring of sincerity in all that he utters, even when discussing some political question. His religious views are, I believe, genuinely held and he is committed to a point almost bordering on fanaticism: that non-violence and love will give India its independence and enable it to withstand the British Government. Our conversations were of the frankest, he was supremely courteous with moments of deflection. He held in every way to his word on the various discussions we had." Nothing, however, came out of these interviews. The British attitude remained as Bourbonic as ever and Gandhi on his part continued to propagate his theme of non-violence and self-purification, giving depth and texture to the movement.

But there were critics who considered him a dreamer and his methods impracticable. From Europe, Tagore rejected non-co-operation on spiritual grounds. "We need all the moral force, which the Mahatma represents and which he alone in the world can represent", he wrote. Finding non-co-operation a negative the poet hoped that India may represent the co-operation of all the peoples of the world. "For India, unity is truth and division evil." "No nation", he added, "can find its own solution by breaking away from others". Gandhi's reply to the criticism was respectful but firm, repelling the thesis that non-co-operation was negative. He maintained that once it was found that a system of government was wholly or

merely evil, it became useful to associate with it. "Non-co-operation with evil is as much a duty as co-operation with good". Addressing the post he said, "Let him deliver his message of peace to the world and feel confident that India through her non-co-operation, if she remains true to her pledge, can have exemplified his message. An India prostrate at the feet of Europe can give no hope to humanity. An India awakened and free has a message of peace and goodwill to a groaning world. Non-co-operation is designed to supply her with a platform from which she will preach the message."

On July 28, 1921 the first All India Congress Committee elected under the new Constitution met at Bombay. The Committee passed several resolutions fixing 30th September as the prescribed date when the country should attain complete boycott of all foreign cloth. It also passed a resolution boycotting the forthcoming visit of the Prince of Wales. On July 31, Gandhi attended a huge bonfire of foreign cloth at Parli in Bombay, a spectacular event witnessed by thousands of onlookers who gave a loud cheer as the flames devoured the tall pyramid of foreign made saris and other fine garments. The next day he declared that the fire was a token of India's determination never to touch foreign clothing. "Untouchability of foreign cloth", said he, "was a common necessary factor for all Indian creeds and was as much a virtue with all as untouchability of the oppressed classes was a sin with every orthodox Hindu. As with the outer, so with the inner. Yesterday's outward fire is a symbol of the inner fire that should burn up all our weaknesses. Our periled reason must show us the true economics of Swadeshi."

Events were now rapidly moving. The Khilafat Conference which had recently met at Karachi had resolved that it was religiously unlawful for Muslims to contract in the British army or to induce others to join the army and that it was the duty of all Muslims in general and the *Ulema* in particular to see that these religious commandments were brought home to every Muslim in the army and give an ultimatum that if the Khilafat issue was not settled by Christmas next, Indian republic would be declared at the Ahmedabad Session of the Congress. Civil disobedience was on the lips of every one. 'Hasten slowly' was the order of the day which Gandhi had to produce for he felt that everyone appeared to be possessed of it

Gandhi still believed that it was a sovereign remedy for all existing evil. Emphasising the doctrine he said that it could be made such a sovereign remedy provided the necessary atmosphere was created. "For individuals there always is that atmosphere except when their civil disobedience is certain to lead to blood-shed. But even so, a call may come which one dare not neglect, cost what it may. I can see the time coming to me when I must refuse obedience to every single State-made law, even though there may be a certainty of resulting blood-shed. When neglect of the call means a denial of God, civil disobedience becomes a peremptory duty." He warned, however, that mass civil disobedience stood on a different footing. It could only be tried in a calm atmosphere. "We have too long been mentally disobedient to the laws of the State and have too often surreptitiously evaded them, to be fit all of a sudden for civil disobedience. Disobedience to be civil has to be open and non-violent." Complete civil disobedience is a state of peaceful rebellion more effective than an armed revolt and consists in a refusal to obey every single State-made law. Such a revolt is a total outlawry against the State even if it totally lacks violence in its comprehensive concept.

Gandhi undertook extensive tours from one end of the country to the other, making mass conversions to the cult of non-cooperation but stressing at the same time the need of establishing a calm atmosphere and strict adherence to the constructive programme. But his forecasts that the people had not yet comprehended the new creed were soon to come true. In August 1921, the Moplahs revolted in Malabar under a belief that the British rule had ceased and they were now free. They even established Khalifat rule, complete with a king of their own and plundered moneylenders and landlords who happened to be Hindus. Gandhi decided to go to Malabar accompanied by Mahomed Ali to pacify the Moplahs. While Mahomed Ali was on his way the Government arrested him at Walther Station. The Government of Bombay at whose instance he was arrested, issued a communique giving reasons for his arrest. The communique stated that the Ali brothers were to be prosecuted for the resolution passed at Karachi exhorting disaffection and interfering with the loyalty of the army.

Gandhi's protest was characteristic and indicated an attitude which he was to adopt at his own trial. "The Governor of Bombay," he wrote, "evidently does not know that the Indian National Congress began to tamper with the loyalty of the sepoy in September last year, that the Central Khilafat Committee began it earlier, and I began it earlier still, for I must be permitted to take the credit or the shame of suggesting that India had a right openly to tell the sepoy and everyone who served the Government in every capacity whatsoever that he participated in the wrongs done by the Government. His Excellency's reference to the sedition of the Ah brothers is only less pardonable than his reference to the tampering for he must know that sedition has become the creed of the Congress. Every non-cooperator is pledged to preach dissimulation towards the Government established by law."

To accentuate the movement of *Swadeshi*, he took to kanchloth and discarded the rest of his clothing. "I know", he said, "that many will find it difficult to replace their foreign cloth all at once. Millions are too poor to buy enough *khush* to replace their discarded cloth. Let them be satisfied with a mere *lan-doth*" But there was a higher objective in this act of renunciation than the mere economic one. "But I know", he wrote in the autobiography, "that I have still before me a difficult path to traverse. I must induce myself to *atno*. So long as one does not of his own free will put himself last among his fellow creatures, there is no salvation for him. *Ahimsa* is the furthest limit of humility." The discarding of all but a loin-cloth was, as he himself put it, "an organic evolution in my life," a cleansing and not a merely dramatic gesture of a sensation-monger or a mere affectation. An English correspondent seeing him thus attired at a garden party in Delhi reported to his paper that "there was a compelling majesty in the unadorned simplicity of the man that could only be described as royal."

On September 24, 1921, three days after this act of renunciation, he issued an appeal to the Muslims to remain non-violent though not passive and advised them to repeat the formula of the Ah brothers for which they had been arrested. On October 4, he convened a meeting of leaders at Bombay when a manifesto signed by fifty of them was issued which was affirmed the next day by the Congress.

with a clear conscience. The manifesto in clear terms preached temperance with the loyalty of the Indians both in the army and in the civil service. As serving the Government was contrary to the dignity of an Indian, it also claimed that it was the inherent right of everyone to express such an opinion. The manifesto was repeated at countless meetings held throughout the country. The Government took no action. It was obviously overwhelmed for it was not prepared to meet such an unusual and a novel kind of a nation-wide conflagration.

The movement struck the country like a mighty tidal wave. Yet, some including Tagore saw in it the mental disquiet of Gandhi on one and all. In "A Call of Truth" published in the *Modern Review* of October 1921 Tagore protested that a cause as great as India's should not be made dependent on the will of a single master and that merely emotion and enthusiasm were not required for its resolution but also science and motivation. "Was the gospel of 'spin and weave' the gospel of the new Age", he asked. "If large machinery constituted a danger for the West, will not the small machines constitute a greater danger for India?" On October 12, Gandhi gave a stirring reply in his article, "The Great Sentinel", expressing his gratitude for warning the country against the pitfalls referred to by the poet but maintaining that there was no justification for his misgivings. He agreed with the poet that to utter a slogan without knowing its value was foolishly. "It is good therefore that the poet has invited all who are slavishly mimicking the call of the Charkha boldly to declare their revolt. His essay serves as a warning to all who in our impatience are betrayed into intolerance or even violence against those who differ from us." As regards the Swadeshi, Gandhi, remembering his faith in it, asked "The poet and the sage to open the wheel as a sacrament." "When all about me are dying for want of food, the only occupation permissible to me is to feed the hungry. To a people famishing and idle the only acceptable form in which God can dare appear is work and promise of food as wages. God created man to work for his food and said that those who are without work were thieves. Eighty per cent of India are conspicuously thieves half the year. Hunger is the experiment that is driving India to the spinning wheel. The call of the spinning wheel is the noblest of all because it is the call of love. And love is *Swaraaj*. The attainment of this *Swaraaj* is possible within a short time, and it is so possible only by the revival of the spinning wheel."



The reply to the poet was an irrefutable vindication of the modern legitimate needs of man. Though man is not a mere physical being conditioned by stimuli and the real being in him, the core and the central truth in him is the spirit. Gandhi did not take a partial view of him, for in this reply he did not forget the demands of man's lesser nature. Besides, *Swadeshi* constituted an important vow for a Satyagrahi and was a key concept in his philosophy. *Swadeshi* means belonging to or made in one's own country. It is a religious discipline to be undergone in utter disregard of the physical discomfort it may cause to the individual. The object of *Swadeshi* is not political but spiritual, to enable the individual to realise his spiritual unity with all life. "*Swadeshi*" as he defined it, "is that spirit in us which restricts us to the use and service of our immediate surroundings to the exclusion of the more remote." It is, therefore, that spirit which debates man to serve his next door neighbour to the exclusion of any other. The condition is that the neighbour thus served has in his turn to serve his own neighbour. *Swadeshi* thus is an all-sided permeation of an exalted spiritual type. It involves the concept of service and never countenances the advancement of dogmatists, narrow, selfish spheres of groups. This was also the reason of the oft-repeated assertion of Christ that his mission was intended for Jews, his forbidding his disciples to go to the Gentiles or the Samaritans and sending them to the lost sheep of the house of Israel. *Swadeshi* called for and was rooted on the spirit of sacrifice. That spirit should go beyond a man's own community and should embrace the whole humanity.

The logical conclusion of self-sacrifice was that the individual sacrificed himself for the community, the community sacrificed itself for the district, the district for the province, the province for the nation and the nation for the world. Thus a man can serve his neighbours and humanity at the same time, the condition being that the service to the neighbour is in no way selfish or exclusive inasmuch as it does not involve the exploitation of any other human being. This was the reason why he called *Swadeshi* "the name of universal service." Furthermore, the capacity of service is limited by one's knowledge of the world in which he lives. Therefore he must, as his first duty, devote himself to the service of his immediate neighbours, the nearest and the best known to him. *Swadeshi* thus recognises the scientific

realisation of human capacity of service and is based on the doctrine *satyagrah* truth and non-violence in the *Gita*. *Satyagrah* is truth applied in one's immediate environment. This doctrine permeates the whole of Gandhiji's philosophy: his views on culture, his metaphysical and ethical ideas, his social and political theories, his views on education and his economic outlook.

Deeply influenced by Ruskin's "*Unto This Last*", he stressed three basic ideas, dignity of human labour, individual good as the good of all and service to society by one's labour and profession. His insistence on *Satyagrah* was thus based largely on his concept of an individual who is not a mechanical aggregation of physical and chemical elements but a divine spark flowing from the Absolute Truth and "in the bearer of the moral kingdom of the earth". The individual thus concerned is the supreme consideration of Gandhian Sociology. The doctrine of *Satyagrah* therefore, did not contain stuff as the mere "spin and weave" doctrine, nor was it a narrow, exclusive theory opposed to the economic endeavours of others or opposed to international trade, so long as such international trade was confined to the legitimate needs of the country and did not constitute exploitation. The struggles of Tagore arose on account of a failure to appreciate the integrated and all-sided philosophy for a reconstruction of society and the moral duties and obligations of individuals therein.

The Ahir brothers in the quarantine were held guilty and convicted at Karachi. The conviction instead of frightening the people served as a fillip to the movement. On November 4, the All India Congress Committee at Delhi ratified the Bombay Manifesto and authorised every province on its own responsibility to start civil disobedience including non-payment of taxes. There were, however, certain conditions to be fulfilled, complete adherence to *Satyagrah*, non-violence, belief in Hindu-Muslim unity and a vow against untouchability before such a movement could be commenced. These conditions were imposed to ensure against premature precipitation. Though some were of the opinion that the campaign should be simultaneously started at north-points in the country, Gandhiji's view that the provinces should wait (and see how civil disobedience in Bardoli under his personal

leadership would have prevailed. The only condition he had down was that friendly sympathy and vigilance should be assured to the government so that there was no breach of peace in other parts of the country. "If peace prevails", he said, "in the rest of the province, I have no fear but that victory is bound to crown our efforts". The plan of Gandhiji was that if Bardoli succeeded, the taluka adjacent to it should start the campaign and then the next and so on until the entire country was swept with the campaign.

The campaign started on November 17 when the Prince of Wales landed at Bombay. On that day the country greeted the Prince with a complete *havel* all over the country. In Bombay the boycott of the visit was absolute except for a few Europeans, Anglo-Indians, Parsis and a few Hindu and Muslim magistrates of the city. Gandhiji addressed a huge meeting at Parel where a big bonfire of foreign cloth had been arranged. However, at the very moment when he was exhorting his audience to maintain peace even if the Government were to resort to coercion at Bardoli, the rowdy elements elsewhere in the city started molesting peaceful citizens, the principal targets of the crowd being the Parsis, who, against the general wish of the public had joined that day in the welcome of the Prince. Gandhiji visited the trouble-spots and witnessed the headquarters of the violent crowds: the killing of four constables and the injuring of some more. Reports of frightful excesses, of murders and rioting continued to reach him that night. In utter despondency he kept awake throughout that night and began to blame and agonise himself with bitter reproach and despair as to why he had not anticipated these troubles. Where was the power of *Ahimsa* in himself if he could not stop the violence of the mobs? He at once ordered suspension of the Bardoli campaign and went on a fast till the Hindus and the Muslims of Bombay made peace with the Parsis, the Christians and the Jews and till the non-cooperators made peace with the co-operators. "The Swamy that I have witnessed during the last two days has struck in my nostrils", he bewailed. "Hindu-Muslim unity has been a reality to the handful of Parsis, Christians and Jews. The non-violence of the non-cooperators has been worse than the violence of co-operators".

Emboldened by this remorse and retreat, the Viceroy decided to pursue repressive measures in various forms to make certain that quiet

provided during the Prince's sojourn. The Bengal Government declared all volunteer organizations illegal and the Punjab, the United Provinces, the Bihar and the Assam Governments followed the lead. The Government of the United Provinces changed 35 members of the Provincial Congress Committee into jail. C. R. Das, Lajpat Rai, Motilal Nehru, Azad and Jawaharlal were likewise rounded up. But these measures added fuel to the fire, there was open defiance of the notifications banning the volunteer corps and volunteers in massive numbers courted arrest simultaneously. The arrests not being enough to dampen the people's spirit, the Government resorted to naked force, riots and all forms of harassment including assaults on volunteers, the destruction of Congress offices, their records, the records of national educational institutions and even burning of houses and shops.

Prasid Malaviya at last intervened and met Lord Reading. The Viceroy encouraged Malaviya to negotiate but Gandhiji saw through the game of the Viceroy. There was no repentance on the part of the Viceroy, he encouraged the negotiations so that in the meantime the visit of the Prince might pass through in quiet atmosphere. As soon as Malaviya showed Gandhiji's conditions, the Viceroy showed his assempance and the negotiations fell through.

It was against this background that the Congress met at Ahmedabad under the guidance of Gandhiji, the only leader whose arrest the Government dared not undertake. The Congress adopted the resolution sponsored by Gandhiji calling for aggressive civil disobedience to all Government laws and institutions, for non-violence, for the continuance of public meetings, the Government prohibition notwithstanding, and urging all people to offer themselves peacefully for arrest by joining the volunteer corps. Anticipating that many of the members of the Congress would be arrested at the close of the session, the Congress resolved to appoint Gandhiji as its sole executive authority but subject to the condition that he should not agree to any change in the creed nor settle with the Government without the consent of the Congress.

While the entire country was upwelling, the Government was intent on crushing the movement with all kinds of persecution. But

the people were equally intent on suffering and keeping the flag of resistance flying. The only difference this time in the Government's policy was that it resorted not to open firings but to brutalities of the lowest kind on volunteers in jails and persecutions in the villages, thus to break the spirit of the people. The "immediate issue", Gandhi wrote, "was no longer *Swaraaj* or *Khalafat* or the Punjab for they occupied a subordinate place to the issue sprung upon the country by the Government". The issue was regarding the fundamental rights of freedom of speech and association. "The safest and the quickest way to defend these rights is to ignore the restriction. We must speak the truth under shower of bullets. We must band together in the face of bullets. No cost is too great for purchasing these fundamental rights. I wish I could persuade everybody that civil disobedience is never followed by anarchy. Criminal disobedience can lead to it. Every State puts down criminal disobedience by force. It perishes if it does not. But to put down civil disobedience is to attempt to imprison conscience.", wrote Gandhi in *Young India*. A civil resister, he continued, never uses arms and therefore is harmless to a State which is agreeable to heed to public opinion. He is dangerous on the other hand to an autocratic State for he seeks to destroy it by canvassing public opinion. "Civil disobedience, therefore, becomes a sacred duty when the State has become lawless or which is the same thing, corrupt. And a citizen that harkens with such a State shares its corruption of lawlessness. It is, therefore, possible to question the wisdom of applying civil disobedience in respect of a particular act or law; it is possible to advise delay and caution. But the right itself cannot be allowed to be questioned. It is a birth-right that cannot be surrendered without surrender of one's self-respect."

Gandhi was here invoking the doctrine of the Divine Law of Aquinas and the Bill of Rights of Thomas Paine except that his doctrine was conditioned by total non-violence. Next, he took up the issue of the freedom of the Press for the Government had passed gagging orders making it impossible for several national newspapers to carry on their activities and indeed even to survive. Gandhi's defence of the three liberties, of speech, of association and of the Press is still significant after seventeen years of political freedom.

Liberty of speech ' according to him, ' means that it is unassailable even when the speech hurts, liberty of the press can be said to be truly respected only when the press can comment in the severest terms upon and even misrepresent matters, protection against misrepresentation or violence being secured not by an administrative gagging order, not by closing down the press but by punishing the real offender, leaving the press itself unrestricted. Freedom of association is truly respected when assemblies of people can discuss even revolutionary projects, the State relying upon the force of public opinion and the civil police, not the savage military at its disposal, to crush any actual out-break of revolution that is designed to confound public opinion and the State representing it ".

While the two sides, the Government on the one hand and the people on the other, were engaged in preliminary haults, Bardoli took the bull by the horns and decided to launch mass civil disobedience. Gandhiji took the sense of the meeting on the conditions precedent for such a momentous decision, of Hindu-Muslim unity, removal of untouchability, Swadeshi, truth and non-violence. On January 31, 1932 the Congress Working Committee approved the resolution of Bardoli and on February 1, Gandhiji, on behalf of the people of Bardoli sent an ultimatum to Lord Reading enumerating the reasons for the resolution. The Viceroy rejected the demands justifying his repressive measures to which Gandhiji sent his rejoinder from Bardoli, where he had returned to lead the campaign.

The stage was now set, the country looked at Bardoli for the campaign to commence, everyone timely looking to that village with hopes and anticipation. However, hardly had the campaign begun when the newspapers of February 8 feasted news of violence at Chauri Chaur. A procession had been taken out in that village on the 4th. After that had passed the constables abused and interfered with the stragglers resulting in trouble. The trigger-loving constables fired at the procession but they exhausted their ammunition and retired to the out-post. That was set fire to, resulting in the burning alive of 22 constables. Gandhiji was shocked and in despair once again announced the scrapping of the proposed Bardoli movement. His despair was the deeper as this was the third occasion when the country failed him and declined to fulfil his only condition, of

co-operation by keeping quiet while his experiment was on. "God has been abundantly kind to me", he wrote on the 16th of February. "He has warned me the third time that there is not yet in India that non-violent and truthful atmosphere which alone can justify mass civil disobedience, which can be at all described as civil which means gentle, truthful, humble, knowing, useful yet loving, never criminal and hateful." He confessed that scrapping of the campaign at Bardoli might apparently appear cowardly after "poignant threats to the Government and promises to the people of Bardoli." But he claimed that though the withdrawal might appear to be politically unwise, it was religiously sound and the country would in the ultimate analysis gain by his humiliation and confession of error. "For, confession of error is like a broom that sweeps away dirt and leaves the surface cleaner than before." The suspension, he advised, would lead to subsidence of excitement and therefore of the propensities to violence indispensable to prevent further retrogression. Therefore there was no cause for disappointment but on the contrary the suspension should lead to a feeling of relief from "the burden of uneasiness and national sin."

The withdrawal of the Bardoli campaign was received with disappointment by most of the leaders who were then in jail. The general reaction was that Gandhi's decision let down the people who in their despair and were ready to go through the fire of the worst kind of repression the Government was capable of. It was certainly reinterpreted in England as weakness. Both the Secretary of State, Sir Edwin Montagu and Lord Birkenhead came out with provocative bombast, the former reminding India that if she challenged the existence of the Empire and prevented the discharge of responsibilities of the Government to India, the most determined people in the world would once again answer such a challenge with all vigour and determination at its command and the latter in his flamboyant arrogance termed India of the "hard fibre" of the British race.

Gandhi could not permit this misunderstanding to continue and refuted them both in an article "Striking the Money" in the *Young India* of February 23. He reminded the two British politicians, who had conveniently forgotten the past pledges and whose country was nearly destroyed but for the assistance India had given, that they

task, knew, in a India was prepared for all the "hard film" that could be transpired across the seas and that so early as September 1939 India had sent out the challenge that all the determination and vigour of the most determined people in the world and the "hard film" would have to be exhausted in a vain effort to crush the spirit that had arisen and which would neither bend nor break. In a language almost prophetic but which were then realised that it would come true only after a score of years, he declared that "No empire uninvolved with the aid and power and plunder of weaker races has yet lived long in this world, and the British Empire, which is based on organized exploitation of physically weaker races of the earth and upon a continuous exhibition of brute force, cannot live if there is a just God ruling the universe." The events of the next twenty years proved not only that there was a just God but also that the impudent bluster of "hard film" was nothing but vainglorious boast.

On February 24, 1942 the All India Congress Committee where Gandhi moved his resolution affirming the withdrawal of the mass civil disobedience despite of opposition from Nagpur, Maharashtra and Bengal. Dr Muzumdar representing Nagpur subjected every line of Gandhi's resolution to a scathing criticism and even moved a vote of censure against him. But Gandhi stood unperturbed and the storm soon blew over. Though his resolution was passed, Gandhi was hurt for he realised that he was not backed by even those who professed loyalty to him and who had voted for his resolution. There was sadness and bitter disillusionment too when he said that the non-violence he saw in his followers was only skin-deep, that it was not born of strength but of sheer helplessness and advised those who did not believe in the tenet of true non-violence to refrain from the Congress.

The withdrawal of the Bardoli movement and the trenchant criticism to which Gandhi was subjected to in the All India Congress Committee walked Lord Renshaw into thinking that these were signs of the end of non-cooperation. He was, however, on the horns of a dilemma. Public opinion in England was critical of Gandhi's continued enmity. Montagu was anxious that when the debate on India took place in Parliament on the 14th of February he would face his enemy with the spirit of Gandhi as a *foi accomplie*. On Febru-



my 12, Reading had already informed him that the Government of Bombay had been instructed to effect the arrest on the 14th. But the Indian members of his Council were for delaying the arrest and Reading at the last moment decided that delay had less dangers than immediate action. He therefore summoned the Governors of Bombay, Bengal and Madras for discussion. At the Conference, the Viceroy decided that the Government of India would move at a suitable moment.

But the news that Gandhi's arrest was imminent had already leaked out. On March 9, he came out with an article "If I am arrested" Rivers of blood shed, he said, would not frighten him but what he feared was that the people might be carried away by the news of his arrest. He therefore exhorted the people to "maintain perfect self-control and consider the day of my arrest a day of rejoicing" and carry out the programme of non-cooperation in absolute order and discipline so that the Government might see even in his absence the strength of the people.

On the 9th of March, there were thick rumours of his arrest. He left that day for Ajmer to fulfil an urgent mission. A confidential telegram from Ajmer caused Kasturba to run up to Saharnath Station to see him return safely on the 10th. At the Ashram, the daily routine was gone through without any agitation or comment. Only when the evening fell and the bell proclaimed the time for prayer, there was anxious silence all round as the streets hastened to join Gandhi in the last prayer with him perhaps for a long time. He mentioned to them that he was expecting arrest that night. The prayer was over and he returned to his work, dictated some letters and gave instructions for the management of *Young India*.

At about quarter to ten, he went for his last ablutions before retiring and a few friends who had all this while sat with him began to disperse. Shankarlal Banker, who had come with Shrawa Qureshi and Anandabhai Sarabhai to enquire about the removal of his arrest also departed. But a few minutes later, Shrawa and Anandabhai returned bringing with them the news that Banker had been arrested on his way home and the District Superintendent of Police was waiting on the road for Gandhi's arrest. The news spread in a minute throughout the Ashram and almost all the minutes hurried

up to him to bid farewell. At his desire, his favourite song, *Pāshāpan-Jee* is of the Gujarati Saint Narayana Mehta, was sung in chorus and then Gandhiji met each one of the inmates saying a few words to each of them and prepared to surrender himself.

While proceeding from his room to the Police Officer on the road he expressed himself several times that he felt happy and gratified over his arrest. He took with him an extra loin-cloth, two blankets, the Gita, the Ramayana, Rodwell's translation of the Koran, the Ashvini Hymn-book and a copy of the Sermon on the Mount sent to him by some schoolboys from Chikharam. Bunker was already there in custody and Gandhiji and he were sped away to Subarnathi just not far away. Kasturba and four or five friends were allowed to accompany Gandhiji and to see him and Bunker lodged in their quarters. Lord Reading had at last plucked up courage to effect the arrest. He had long been longing to do so but had so far been wavering.

At noon on March 11, Gandhiji and Bunker were brought before L. N. Brown, the Additional District Magistrate, who held his court in the Commissioner's Office, near the present Raj Bhawan of Gujarat State. The committing Magistrate examined in all five witnesses. District Superintendent Healy produced the Government's authority to lodge a complaint in respect of four articles which had appeared in *Young India* under the name of Gandhiji: "*Disfranchising A Viper*", "*Tampering with Loyalty*", "*The Puzzle and its Solution*" and "*Shaking the Mirror*". Denaher Charda, the Registrar of the High Court of Bombay produced certain papers from the records of the High Court regarding the case of contempt of court against Gandhiji and Mahadev Desai. Besides these two, the prosecution examined three other witnesses of a formal nature, Chetfield, the District Magistrate of Ahmedabad, a Sub-Inspector of Police and a C. I. D. Officer. The prosecution having completed its evidence, Gandhiji in reply to a question from the Magistrate described himself as of 53 years of age and a farmer and a weaver by profession and said that when the proper time came, he would plead guilty so far as disaffection towards the Government was concerned. He admitted that he was the editor of *Young India*, that the four articles in question were written by him and that the proprietors and publishers of the

paper had entrusted him with full control over the policy of the paper. On this plea, the Magistrate committed the case under Section 124A, Indian Penal Code, to the Court of Session, Ahmedabad. Gandhiji and Barker were then removed to Subarnish Jail where they were detained till the 18th of March when the hearing of the Sessions case was fixed.

The trial which began on the 18th of March excited the greatest interest all over the world and attracted spectators from all over India. The personality of the accused at the bar of the court, his profound impact on the world both as a saint and a teacher, the nature of the offence with which he was indicted, the issues involved in the trial, the political situation prevalent in the country and the possible repercussions of his convictions on the future course of events in India, all conspired to make the trial momentous and historic.

The authorities had laboured hard and had kept themselves in readiness for all eventualities. Elaborate arrangements were made to ensure the safety of the city from any possible upheaval. The rifleary were made to march through the main streets of the city and were posted at most of the important buildings. Though there was actually no excitement in the city, the people nonetheless appeared to be impressed with the solemn significance of the occasion. The trial was to begin at 12-00 noon, yet crowds of people had long before noon begun to wind their way towards the Government Circuit House which as a measure of security was fixed as the venue of the trial instead of the Sessions Court at Bhadra in the centre of the city.

At the gates and all around the Circuit House armed soldiers were posted. Admission within was restricted by passes. Only about 200 persons were permitted inside to witness the great event. At one end of the central hall was raised a small dais for the Sessions Judge, Mr. R. S. Brownfield, I.C.S., who was later elevated to the High Court Bench. Below the dais and in front of the judge, seats were provided for Sir Thomas Strangman, the Advocate General, Rai Bahadur Giridharilal Uttamdas, the Public Prosecutor and Mr. A. C. Ward, the Legal Remembrancer. The Advocate General was not a stranger to Gandhiji as he had conducted the contempt case against him and Mahadevi Desai not long ago in the High Court. To the left, two

Offices were provided for Gandhi and Bunker. On the right, officers of the court were accommodated. The rest of the hall was occupied by spectators including Kasturba, Mrs. Sarojinī Naidu, Pandit Malaviya, N. C. Kelkar, Mrs. J. B. Petit and Ananiasben Sarabhai.

It was nearly noon now. Everyone, within the hall and without, was anxiously awaiting Gandhi. Once or twice the spectators thinking he had arrived, stood up but were mistaken. At last, precisely at five minutes to twelve, there was a stir in the hall and Gandhi made his entry. The spectators, all of them stood up to pay homage to the great leader. Gandhi in his simple khadi-cloth and with a smiling face walked upto his seat, followed by Bunker and Pandit Malaviya. All remained standing, until he took his seat pointed out by a military officer. He put on his spectacles and was busy for a while with some papers which he had brought with him.

Recalling his entry in that hall, Mrs. Naidu recorded her impression shortly after the trial:

"A convict and a criminal in the eyes of the law.<sup>1</sup> Nevertheless, the entire court rose in an act of spontaneous homage when Mahatma Gandhi entered—a frail, serene, indomitable figure in a coarse and scanty khadi-cloth, accompanied by his devoted disciple and fellow-prisoner, Shankarlal Banker.

"So you are seated near me to give me your support in case I break down', he joked with that happy laugh of his, which seems to hold all the undimmed radiance of the world's childhood in its depths. And looking round at the host of familiar faces of men and women who had travelled far to offer him a token of their love, he added, 'This is like a family gathering and not a law court.'"

A minute or so passed and the Advocate General entered, exchanged a friendly nod with Gandhi and took his appointed seat. Everything was ready and everybody was waiting for the judge. Exactly at five minutes past twelve the judge came, took his seat on the dais and then began the great trial.

The judge glanced at the charges and saying that there was a slight error corrected them. These charges and the three articles appearing in *Young India*, dated September 29, December 11, 1931 and February 23, 1932, under the captions of "Tampering with Loyalty" "The Parrot and its Solitaire" and "Slaking the Bones" which formed the foundation of the charges were read out to the accused by an officer of the court. The judge then turned to Gandhi and asked him whether he pleaded guilty or otherwise to the charges.

With unsurpassable serenity, Gandhi rose and in a clear and distinct voice pleaded guilty to the charges and sat down. The judge then turned to Bunker, addressed him the same question and Bunker too pleaded guilty. The judge wished to pronounce his judgment immediately but the Advocate General expressed his desire to address the court and requested the judge to go through the procedure in full. Addressing the court, the Advocate General maintained that the court should take into account the occurrences in Bombay, Malabar and Chauri Chauri leading to riots and murders. He contended that in the articles in question "You find that non-violence is insisted upon as an item of the campaign and of the creed" but asked, "Of what value is it to insist on non-violence, if incessantly you preach disaffection towards the Government and hold it up as a treacherous Government, and if you openly and deliberately seek to incite others to overthrow it?" These were the circumstances he asked the court to take into account while passing the sentence on Gandhi. Regarding Bunker, he said that his offence was the lesser in that he did not write but only published the impugned articles. His instructions were that Bunker was a man of means and requested the court to impose a substantial fine in addition to such term of imprisonment as the court might inflict on him. The Advocate General did not address long and took no more than twenty minutes in all. His voice was not audible enough to reach the entire hall, it rambled sometimes high and sometimes low. But he was careful in the selection of his words and gave on the whole an impression of going through a task which was neither agreeable nor pleasant to him.

The judge then turned towards Gandhi and asked him if he wished to make any statement on the question of sentence. Gandhi

said that he would. The judge inquired of him if he would give it in writing to have it on record and Gandhiji replied that he would do so as soon as he had finished with it.

Before reading the statement, Gandhiji spoke a few words by way of introductory remarks.

"Before I read the statement I would like to state that I entirely endorse the learned Advocate General's remarks in connection with my humble self. I think that he was entirely fair to me in all the statements that he has made, because it is very true and I have no desire whatsoever to conceal from this court the fact that to preach disaffection towards the existing system of Government has become almost a passion with me, and the Advocate General is entirely in the right when he says that my preaching of disaffection did not commence with my connection with Young India but that it commenced much earlier, and in the statement that I am about to read, it will be my painful duty to admit before the court that it commenced much earlier than the period stated by the Advocate General. It is a painful duty with me but I have to discharge that duty knowing the responsibility that rests upon my shoulders, and I wish to endorse all the blame that the learned Advocate General has thrown on my shoulders in connection with the Bombay occurrences, Madras occurrences and the Chauri Chaura occurrences. Thinking over these things deeply and sleeping over them night after night, it is impossible for me to dissociate myself from the diabolical crimes of Chauri Chaura or the mad outrages of Bombay. He is quite right when he says that, as a man of responsibility, a man having received a fair share of education, having had a fair share of experience of this world, I should have known the consequences of every one of my acts. I know them. I know that I was playing with fire. I ran the risk and if I am set free I would still do the same. I have felt it this morning that I would have failed in my duty if I did not say what I said here just now.

"I wanted to avoid violence. Non-violence is the first article of my faith. It is also the last article of my creed. But I had to make my choice. I had either to submit to a system which I considered had done an irreparable harm to my country, or incur the risk of the mad fury of my people bursting forth when they understood the truth from my lips. I know that my people have sometimes gone mad. I am deeply sorry for it and I am, therefore, here to submit not to a light penalty but to the highest penalty. I do not ask for mercy. I do not plead any extenuating act. I am here, therefore, to invite and cheerfully submit to the highest penalty that can be inflicted upon me for what in law is a deliberate crime, and what appears to me to be the highest duty of a citizen. The only course open to you, the Judge, is, as I am going to say in my statement, either to resign your post or inflict on me the severest penalty if you believe that the system and law you are insisting to administer are good for the people. I do not expect that kind of conversation. But by the time I have finished with my statement you will have a glimpse of what is raging within my breast to run the maddest risk which a man can run."

These remarks over, Gandhi read his statement which has by now become a historic document.

A contemporaneous writer has recorded that it was impossible to describe the atmosphere in that hall at the time he was reading and a few minutes after he finished reading his statement. Every word of it was eagerly followed by the whole audience. The judge and the Advocate General, the military officer and the political leaders all alike strained their ears and were all attention to hear the memorable statement. Gandhi took 15 minutes to read his statement. As he proceeded with his statement, one could perceive the atmosphere of the hall changing every minute. "The historic production was the master's own. The crackling confessions, the convincing logic, the masterly diction, the elevated thoughts and the inspiring tone, all produced instantaneous effect on the audience including the Judge and the prosecutor. For a minute everybody wondered who was on trial—whether Gandhi before a British Judge or whether the British

Government before God and Humanity." Mahatray finished reading his statement and for a few seconds there was complete silence in the hall. Not a whisper was heard. One could hear a pin falling on the ground. The most unhappy man present there was perhaps the Judge himself. He restrained his emotions, cleared his voice, gathered his strength and delivered his oral judgment in careful and dignified words. No one could have performed this duty better."

"To combine the dignity of his position with the courtesy due to the rightly prisoner before him was no easy task. But he succeeded in doing it in a manner worthy of the highest praise. Of course, the prisoner before him belonged to a different category from any person he ever tried or was likely to try in future. And this fact influenced his whole speech and demeanour. His words almost fell when he came to the end and pronounced the sentence of simple imprisonment for six years."

"An admirable Judge," pronounced Mrs. Nanda, "displaying of our praise, alike for his brave and resolute sense of duty, his flawless courtesy, his just perception of a unique occasion and his fine tribute to a unique personality."

The conduct of the judge from all accounts was exemplary throughout in civility and courtesy to the accused before him. While passing the sentence on Gandhi, he had said that it would not be unreasonable that he should be treated with Tilak whose case he treated as a worthy precedent and therefore, imposed a sentence of two years' simple imprisonment on each of the three counts. So far as Bhaer was concerned, he was lenient and imposed simple imprisonment for six months on each of the first two charges and a fine of a thousand rupees on the third charge with six months' simple imprisonment in default. Gandhi would not permit the judge to outlive him in courtesy. As soon as the sentence was pronounced, he turned to the judge and said, "I would say one word. Since you have done me the honour of recalling the trial of Lokmanya Bal Gangadhar Tilak, I just want to say that I consider it to be the greatest privilege and honour to be associated with his name. So far as the sentence itself is concerned, I certainly consider that it is as



light as any judge would reflect on me; and as far as the whole proceedings are concerned, I must say that I could not have expected greater courtesy."

A minute passed after the pronouncement of the sentence. The judge was evidently feeling happy that the whole business was over. He got up, bowed and departed.

To quote Mrs. Naidu once more: "The strange trial proceeded and so I listened to the immortal words that flowed with prophetic fervour from the lips of my beloved master. My thoughts sped across the centuries to a different land and different age, when a similar drama was enacted and another divine and gentle teacher was executed, for spreading a kindred gospel with a kindred courage. I realised now that the lowly Jesus of Nazareth, crucified in a manger, furnished the only parallel in history to this avishable apostle of Indian liberty who loved humanity with surpassing compassion and to use his own beautiful phrase, 'approached the poor with the mind of the poor.'

"The most epic event of the modern times ended quickly. The pent-up emotion of the people burst in a storm of sorrow as a long, slow procession moved towards him in a mournful pilgrimage of farewell, clinging to the hands that had led so accurately, bowing over the feet that had journeyed so continuously in the service of his country. In the midst of all this poignant scene of many-voiced and unbridled grief he stood, untroubled, in all his transcendent simplicity, the embodied symbol of the Indian nation--as being verities and sacrament in one."

The whole trial took one hundred minutes, each minute enacting a page in the history of the battle of India's freedom. The final scene of the trial yet remained, the farewell of friends and followers who in single life went past him and for each of whom Gandhiji had a kind word or a friendly jest. The leave-taking took nearly an hour. The military officers were waiting with a car for Gandhiji. They were not only courteous to him but were respectful, nay, deferential. At about two o'clock, Gandhiji entered the car with Kachubhai, Pandit Malaviya, Bunker and Mrs. Naidu. The various crowds

stubbornly refused, the United House attempted to shoot their seven-year-old son Mahatma Gandhi-ki-jai but Gandhiji stopped it with a sign of his finger. The curtain fell finally but only after India's message of truth and non-violence had been recorded on the sheets of history.

Why has the trial been acknowledged to be a great historic trial overshadowing all similar trials of leaders and patriots which preceded it? Surely not merely because of the personality of the accused, nor because of his extraordinary sway on the millions and millions of India whom he tested as his own, nor because of its consequences on the destiny of India but because of the profound issue involved in it: that of obedience to laws as against obedience to moral duty. It was that issue which elevated the trial to the highest plane and the characters too who played their part in it. And, though it was similar to the one raised in previous trials of the same nature, those of Coke and Hampden and other patriots who had fought against tyranny and despotism, it was far above them because of the spiritual promises discovered as a result of a life-long search for and experiments with truth on which it rested.

### III

A student of Gandhiji's numerous writings will search in vain for a philosophy logically expounded in them for he was primarily a political and a social engineer and not a theorist. "I am not built for academic writings. Action is my domain", he was wont to say. Yet, all his actions, throughout a long and fertile career, were inspired by and had their roots in a comprehensive philosophy of life. Though he acknowledged only one tyrant to whom he readily submitted, the small inner voice that voice was neither arbitrary nor unbridled, for it goaded him to action only when some fundamental law or principle in that philosophy was at stake.

The core of that philosophy was Gandhiji's concept of the individual. In all the trials that he faced, he confessed as he did in this trial the breach by him of the law, the municipal law and invited the judge to impose upon him the extreme penalty that that law warranted. Though essentially a law-breaking citizen he made a

passion of his life to break it violently but without malice or hatred, for, there was at stake a higher law, of truth and of morality, what the modernists called a superior or a divine law. But his approach to such a higher law, though kindred in many ways to that of the modernists, was unique to himself. It was this approach which turned him a non-cooperator and a civil resister against the British Empire which by its methods of exploitation had proved to be a hindrance to the development of his fellowmen and was therefore unjustly.

The primary belief on which Gandhi built his philosophy of life was that the ultimate object of man's life is self-realisation. Self-realisation means seeing God face to face, realising the Absolute Truth, the supreme domain of all life. The supreme spirit or God is thus the beginning and the end of Gandhian thought. Like the Vedants, he accepts *Brahmavedanta* as the highest aspect of Reality. *Sat* or truth is the supreme essence. It is the highest self-subsistent objective being to be realised by a pure and holy living and is so to be thus subjectively experienced in the inner depths of one's experience. Since *Sat* and God are identical and all existence is merely the manifestation of one Truth, there is spiritual unity of all creation. Therefore, there is no question of a separate annihilation or isolated salvation. Hence service to human beings becomes a necessary part of the process of realisation of God, for the only way to find Him is to see Him in His Creation and to be one with it. The individual must work not only for his own spiritual freedom but also for that of his fellow beings. Self-realisation can thus be attained by service to society. The idea that salvation can be achieved in the isolation of solitude is, therefore, not acceptable to him. With him, self-realisation means realisation of the greatest good of all, which includes progress in political and social spheres as well, for political or social degeneration is an obstacle in the way of moral and spiritual regeneration.

Thus Truth in its comprehensive context has relation to all spheres of life including politics. Search of Truth which has to be pursued through the service of all needs constant effort for the regeneration of all spheres of life and readiness to risk one's all for the cause which one observes to be true. It is a moral duty transcend-

ing all other shackles, including tax laws, for, if the individual fails to free one's all for the true cause, he departs from the path of truth, since the soul is lost as Socrates would have said and tries to frustrate reality and as a result courts mental ruin. Truth thus also includes social relations including political freedom and social equality. In his own words, "To see the universal and all-pervading spirit of Truth face to face, one must be able to love the moment of creation as oneself. And a man who expects other that cannot afford to keep out of any field of life. That is why my devotion to Truth has drawn me into the field of politics, and I can say without the slightest hesitation and yet in all humility, that those who say that religion has nothing to do with politics, do not know what religion means."

The means of realisation of Truth can only be *Ahimsa*, non-violence, for identification with all that lives can be attained only by *ahimsa* and such identification is not possible except by self-purification. "God can never be realised by one who is not pure of heart. Self-purification, therefore, must mean purification in all walks of life." Truth rules out prejudice, evasion, secrecy and deception as well as exaggeration or suppression, for these mean violence. Since violence has roots in demonic propensities, it is negatory of the spiritual unity of creation. These propensities lie in anger, selfishness, hatred, lust, exploitation of the weak etc. and, therefore, cannot take one to the goal of realisation of Truth. Besides, violence is not truth but untruth. Truth as known to men can only be relative but never *Absolute*, for, no one can claim to be absolutely in the right. Pursuit of Truth therefore is contrary to imposition of one's dogma on others. Such pursuit of Truth does not admit of violence being inflicted even on one's opponent who has to be weaned from error by patience and sympathy, i.e. by self-suffering. For, even if the cause is unjust, no one other than the person pursuing it suffers. Besides, violence attacks not only the sin and the evil but also the sinner and the evil-doer. Violence, therefore, offends against the unity and the sacredness of all being.

In all his writings therefore, Gandhiji tried to disentangle between the system of the British Empire and those who worked it and repeatedly asserted that he had no ill-will, malice or hatred against

the latter. In his statement before Judge Broomfield, also, he appealed to him to do his duty and impose on him the highest penalty unless he accepted his view that the system which he was helping to administer was wicked and that, therefore, he should give up his post as a judge. Since pursuit of Truth lies in the realisation of the unity of all creation and violence interferes with that realisation, it lies of necessity to be avoided. Ahimsa therefore is the practical instrument for the true discovery of unity of all creation and as R. B. Gregg puts it "the spiritual democracy" of all life. Therefore, whereas Truth is the highest law, non-violence is the highest duty. One can sacrifice non-violence for the sake of Truth but not the Truth.

But the non-violence by means of which Truth is to be realised is not the non-violence of the weak and the helpless but of the brave, born of strength. Such strength can only arise where the system under which an individual lives is not based on suppression and exploitation.

Gandhi's conception of the individual in relation to the society in which he lives is basic to all his schemes for his conception of the individual "stands like the sun in the solar system" of his philosophy. The individual, according to him, is the central point on which all social progress depends and, therefore, he places greater reliance on the growth of the individual rather than on constitutional devices. Hence his preference for an ignorant cooperative community depending not on the collective force of a controlled State but on the average individual realising genuine non-violence and acquiring personal *Swaraaj*. Love, fearlessness, tolerance and humility are attributes which individuals would imbibe in such a State in order to enter in a democratic and free society. Democracy thus is that type of social organisation in which the freedom of the individual can be reconciled with the minimum social restraint. As President Wilson once said, "Democracy in the widest sense means much more than a form of government. It is indeed a system of social organisation affecting almost every relation of man to man."

Gandhi held that the British colonial system under which India was ruled depended on the sense of fear and fright by which a few Britishers managed to keep millions of Indians under control. Such a system was immoral and ungodly, for it produced on the one hand

remained in a pitiful state of slavery, and on the other walked free and proudly as those who worked such a system. It was this injustice which turned him from a co-operator to a non-cooperator. So long as he had even a vestige of faith in the British Empire being capable of doing some good to humanity, he assisted its working, but once he was convinced that it was maintained for exploitation only by a few of the physically weak of the world, he decided that system and the laws which maintained it as sinful and satanic. This was the tenor of his letter to the Duke of Cambridge and also of his statement in the trial. He worked consciously, therefore, for creating a sense of fearlessness among the Indian masses against the system whose only foundation was fright and fear.

The question, therefore, of an individual's obligation to the State was to Gandhiji not political but essentially moral. Despotism is not a natural state, for it subsists on frightfulness, brutalising the suppressor and emasculating the suppressed. The paths of Truth and non-violence cannot be trodden where the individual is crushed down and exploited under fear and force. Disobedience to such a sinful State and the laws which uphold it is a presumptory duty when they come in conflict with the Law of Truth. "It is contrary to our manhood" he held, "if we obey laws contrary to our conscience." So long as the superstition that man should obey unjust laws exists, so long would slavery exist. Submission to a law of the State wholly or largely unjust is an immoral barrier for liberty.

However, Gandhiji laid great stress on strict adherence to one's legitimate duties to the government reminding one of the words of Socrates as set out in the *Crito*. So long as one enjoyed the privileges of government, it was one's duty to cooperate with that government. The normal rule of conduct of a citizen is that of obedience to law, for disobedience of law is destructive and anti-social. But a law to be worthy of obedience must necessarily be moral, that is, just as Lord Denning insists and furthermore democratically formulated, for a despotic system is based on violence and consequently on untruth. Obedience therefore to an immoral law is repugnant to the Law of Truth and can never be a duty.

His approach to politics thus was deductive and metaphysical. It was opposed to the tendency to study the dynamics of political phenomena in isolation, because life is a concrete organic unity and all its aspects and manifestations have to be visualized and comprehended in their entirety. The necessity of such a metaphysical visualization of life in its entirety provides the rational justification for his "ethicization of politics." According to him, political and sociological action should be synthesized with moral self-determination of man. Hence the basic theme in his political philosophy is the true concept of right and duty. It is, therefore, that social outlook of a non-cooperator is based on the idea of the right of an individual to exist in a rational and justified social or political system.

Though his fight in South Africa was apparently for civil rights and his fight on a larger canvas in India was equally apparently for political rights, the basic premises in both was the dignity and the sacredness of the human personality, the spiritual freedom and the natural right of the individual to attain his best self. There was for him no distinction between the inner and the external freedom. Once the inner freedom was attained it was bound to bring about external freedom from the bonds of society, the State and the Church. Like Thomas, he insisted that individuals should be men first and subjects afterwards. Unlike Aquinas, he based this doctrine not on the sanction of a mere superior Divine Law but on the moral duty arising from the paramount position of an individual in the fabric of society and held up Socrates as the classic illustration of a non-violent civil-resister. That was why when H. G. Wells forwarded to him a draft Bill of Human Rights he insisted that it should also contain moral duties. His doctrine is thus founded on the theory of the inalienable right of an individual transcending municipal law to fight tyranny and injustice. It postulates that the fight is against sin. In the language of the Bible, it is not a fight against the sinner, for, such a fight would contain elements of violence. It is a synthesis of the desperate right of resistance to injustice and tyranny and the gospel of goodwill and mercy towards the tyrant.

As a logical sequence of and as part of this doctrine, his theory of allegiance to the State transcends the sanction of the municipal law and involves the paramountcy of the Law of Truth. The theory

his two aspects of resistance and of conversion of the oppressor by using self-suffering. Ordinarily, it is the duty of a citizen to abide by the law for criminal disobedience to law leads to anarchy. A person does not commit theft and obey the law against theft because of his fear of the penalty involved in the offence. A civil resister, on the other hand, obeys law not because of the fear of penalty but because it is good for the welfare of society. He has, however, a moral duty not to obey an unjust law and not to acquiesce in being misgoverned. Indiscriminate obedience is a sign of slavery.

The right of the subject to resist an unjust or corrupt system of government is 'a right recognised from times immemorial'. The *Magna Charta* recognised two principles, (i) that there is a body of law in the State, of rights belonging to the community which the King is bound to regard, and (ii) that if the King disregarded these, he may be compelled by force even by intervention to do so. According to Gandhi, the morality of a government is neither force at its command nor the passive consent of the people. Its morality is their active co-operation. Withdrawal of such co-operation by the people would result in total collapse and the end of the political system. "Even the most despotic Government", said he, "cannot stand except for the consent of the governed, which consent is often procured by the despot. Immediately the subject ceases to fear the despotic force, his power is gone."

But is not such withdrawal of co-operation negative and would it not lead to chaos? Gandhi's answer was in the negative. Though civil resistance aims at destroying an unjust order and the moral laws which sustain it, it does not create lawlessness, nor is such resistance an anarchy to progress. While fighting against injustice, untruth and exploitation which give rise to conflicts and disorders, civil resistance evolves a superior just social order based on Truth and non-violence, for the primary motive of non-co-operation is self-purification by withdrawing oneself from that which is unrighteous. The secondary object of the non-cooperator is to rid himself of the feeling of helplessness by becoming independent of all governmental control, i.e. by governing himself in all possible affairs and in fulfilling both the objects to refrain from doing or promoting injury or any violence to



individuals or their property. The process of self-purification brings about an upsurge of a tremendous moral strength which impels the government to submit, compelling it to do justice. In case the State persists in its irrational ways and refuses redress, non-cooperation shatters its administrative machinery and paralyzes its government. Non-cooperation is thus not merely negative; it has its positive aspect. The success of its negative aspect depends proportionately to the inward positive growth, the growth of cooperation among the people. That was the reason for Gandhi's constant stress on his constructive programme and the political education of the masses. Without the cooperation of the masses, non-cooperation cannot be full nor non-violent.

When can a law then be resisted? The several writings of Gandhi amply show that even non-violent resistance in the form of breach of laws to which the resister is not conscientiously opposed but which he breaks in order to demonstrate his opposition to the State is not a legitimate use of *Satyagraha*. That is especially so in a democracy. For, in a democracy, it is open to the resister to organise opposition to the acts and policies of a government and to convert the majority to reverse them. Even where majorities use the instrument of law to oppress minorities, there are generally constitutional provisions safeguarding the fundamental rights and liberties which furnish adequate protection. In every civilized State and particularly in a democratic State, relations between the citizens are regulated by the Rule of Law. When disputes occur between the citizens and the State, they have to be settled either by agreement or by the decisions of the Courts. Any resort to direct violence for enforcing even just claims is not only illegal but barbaric. The only recognized exceptions to this rule are self-defence and prevention of violent crimes.

But the question still remains whether resort to non-violent direct action has any significant part to play in settling or changing social relations in a modern society subject to the Rule of Law. The basis of the Rule of Law is that social relations should be determined by rational considerations and that where parties cannot amicably settle their differences, they should be settled by those who are trained to view things rationally and objectively and in accordance with the

laws and rules democratically enacted. Satyagraha even against a law considered to be unjust or oppressive cannot be regarded a legitimate weapon for it is a negation of the very basis of parliamentary democracy. The foundation of the Rule of Law is the willing obedience by citizens of laws enacted by their own representatives in the legislature and as expounded by their judges. If the law is unjust or tyrannical, the only proper course for individuals or groups who conscientiously feel its unjustness or tyranny is to seek to change by persuasion, the only recognized method of Satyagraha the law through the only legitimate channel, the legislature. The civil-disobedience in such a situation must cultivate public opinion and seek to withdraw the approval of the people of those who enacted it or persist in maintaining it on the statute book.

Then, the issue raised by Gandhi in the trial was not an isolated, sporadic issue arising from the breach of Section 124A of the Penal Code though it apparently was made to appear so. It was the perennial issue of Law versus Conscience, an issue of abiding interest to all civilized people of all times. It evoked the inalienable moral right and duty to resist a system of governance whose only claim was superior physical might. The trial has profound significance in that Gandhi during the trial sought to establish beyond all suspicion the superiority of moral force over sheer brute force, born out of the gospel of self-suffering and the doctrine of willful yet holy withdrawal from all that is foul and unholy in human behaviour, a conclusion which will have all abiding purpose and a meaning until humanity survives.

The trial being on so exalting a plane brought forth the best that could conceivably be expected from the one who judged and the one who was judged. There cannot therefore be an an event of such profound significance any element of stonement or of grief. The event in its ultimate analysis proved to be his triumph for though he sacrificed himself without a demur and was incarcerated he in doing so, conquered humanity.

HIGH COURT OF GUJARAT,  
Ahmedabad,  
September 27, 1965.

J. M. SHETTY,  
Chief Justice

Acknowledgments are due to

- |                             |   |  |
|-----------------------------|---|--|
| M. K. Gandhi                | — | <i>The Story of My experiments with Truth Vol I, 1927</i><br>Nagvin Press, Ahmedabad               |
| M. K. Gandhi                | — | <i>Autobiography Vol II, 1929</i><br>Nagvin Press, Ahmedabad                                       |
| D. G. Tendulkar             | — | <i>Mohandas, Vol II 1929-1939</i>  |
| Maurice Goguel              | — | <i>The Life of Jesus</i><br>Translated by Olive Luyon, 1931<br>George Allen and Unwin Ltd., London |
| A. E. Taylor                | — | <i>Socrates</i> 1939<br>Thomas Nelson & Sons Ltd., London  |
| Gopinath Desai              | — | <i>The Political Philosophy of Mahatma Gandhi</i><br>Nagvin Publishing House, Ahmedabad<br>1951    |
| Dr. Bhanu Behan<br>Majumdar | — | <i>Gandhian Concept of State</i><br>M. C. Sarkar & Sons Private Ltd., 1957                         |
| K. Santhanam                | — | <i>Satyagraha and the State</i><br>Asia Publishing House, 1960                                     |
| Syd Herson                  | — | <i>Gandhi: The Saint as Secessionist</i><br>Suttonhouse Ltd., Los Angeles, 1957                    |
| K. P. Kanna Menon           | — | <i>The Great Trial</i><br>Ganesh & Co., Madras, 1952   |
| B. K. Prabhu                | — | <i>Two Memorable Trials of Mahatma Gandhi</i><br>Nagvin Publishing House, Ahmedabad<br>1962        |



## PART II



IN THE COURT OF THE ADDITIONAL DISTRICT  
MAGISTRATE, AHMEDABAD.

Case No. 1 of 1922.

Ahmedabad, 11th March 1922

The following persons are brought in custody before the Court  
for trial under Section 124 A I P C :—

1. Mohandas Karamchand Ghandi, Age 55, Hindu Banya  
Occupation - Farmer and Weaver  
Residence - Ashram Sabarmati
2. Shankarlal Gajabhai Banker, Age 37, caste Hindu Banya  
Occupation - Landed Proprietor  
Residence - Chowpaty, Bombay

for the Crown,

Mr. Girdharlal U. Public Prosecutor,

for the Defence,

None.

Deposition of D. Healy Esquire, D. S. P. read and recorded.	Exh. 1
Order of Government sanctioning prosecution	Exh. A
Young India, of 15th June 1921	Exh. B
-do- 26th September 1921	Exh. C
-do- 15th December	Exh. D
-do- 22nd February 1922	Exh. E
-do- 9th March 1922	Exh. F

Verd. Index of 25th May 1921	Exh. G H
do 8th June 1921	Exh. I
do 28th July 1921	Exh. J
do 1st September 1921	Exh. K
do 28th September 1921	Exh. L
Search Warrant	Exh. M
<i>Forclosures</i>	Exh. N
Notes on Ban on Khadar Cops	Exh. O
Meaning of Moglah ring	Exh. P
In Hazaarbag	Exh. Q
Deposition of N. D. Gada	No. 2
Letter from Registrar dated 16th October, 1919	Ex. R
Telegram from Gandhi	Ex. S
D. O. letter from Registrar Oct. 20, 1919	Ex. T
Reply by Mr. Gandhi, dated 22 Oct. 1919	Ex. U
D. O. from Regr. dated 31st Oct. 1919	Ex. V
Draft Apology	Ex. W
D. O. from Asst. Editor, dated 3rd Nov. 1919	Ex. X.
Telegram from M. Gandhi dated 7th Nov. 1919	Ex. Y
D. O. from M. Gandhi dated 11th Dec. 1919	Ex. Z
Further D. O. dated 4th January 1920	Ex. AA
D. O. from Registrar dated 8th January 20	Ex. BB
D. O. from Mr. Gandhi dated 11th January 20	Ex. CC
D. O. from Registrar. dated 13th Jan. 20	Ex. DD
Reply from Mr. Gandhi dated 24th Jan. 1920	Ex. EE



Reply from Regr. dated 28th January 20	Ex FF
Further reference from Regr. dated 25th Feb. 20	Ex GG
Reply from M. Gandhi dated 27th Feb. 1920	Exh HH
Statement of M. Gandhi dated 27th Feb. 1920	Exh II.
Judgment of the Hon. High Court, 12th March, 1920	Exh U
Deposition of G. F. Chitfield, Esq. D. M. Ahmedabad	No. 3
Letter from M. Gandhi dated 4th Oct. 1919	Exh KK
Declaration Shankarlal G. Banker, dated 4th Sept. 19	Ex LL
Notification of Government appointing Mr. Brown Addl D. M. Abd.	Ex MM
Deposition of Gopalan Patilok, S. L.	No. 4.
Deposition of Jethalal Virhad Head C	No. 5
Statement of M. K. Gandhi	No. 6
Statement of S. G. Banker	No. 7.
Charge against M. K. Gandhi	No. 8
Charge against S. G. Banker	No. 9
Statement of Mr. M. K. Gandhi & Banker	No. 10.
Order of Committal	No. 11.

(Sd) L. N. BROWN,  
Addl D. M.

EXHIBIT NO. 1

*Deposition of Witness No. 1 for the Prosecution*

I do hereby on solemn affirmation state that —

My name is	Daniel Healy,	Father's name :	
Religion	Christian	Caste —	
Age about	37	Occupation	District Superintendent of Police, Ahmedabad
Residence	The Shelubagh	District	

*Examination-in-Chief*

to Mr. Gerhardt, Public Prosecutor

I have been D. S. P. from May, 1919, except from June to November, 1920, when I was on leave. I have been here the whole time.

I produce the order of Government under s. 196 of the C. P. C. authorizing me to file the complaint against the two accused under s. 124A, I.P.C. Exh. A.

I have also produced along with the complaint the four articles in respect of which the complaint is authorized.

They are—

1. Desaffection & Vow p. 187 dated 15th June 1921 Exh. B
2. Tampering with Loyalty p. 309 - 29th Sept., 1921 Exh. C
3. A Puzzle and its Solution p. 418 Dec. 15th, 1921 Exh. D
4. Shaking the Mirror p. 119 Feb. 23rd 1922 Exh. E

I have read out these articles in turn.

I also produce p. 148 of the number of "Young India" dated March 11th, 1922. On p. 148 he speaks of "the three weeklies which I am conducting namely the Young India" Exh. F of which I have read the whole.

In the issue of Young India for May 29th, 1921, under the heading "notes" The article Lala Lajpatrai is over the note's "M. K. G." Exhibit G. Also "Repression in the C. P." P. 186, in the same no. of Young India, which I read out. Exh. H.

Also p 179 of the issue of Young India of June 8th, 1921, a paragraph is the notes over the article M. K. G. entitled "unacceptable" Exh. I

Also "Firing for Apologists" of July 25th 1921, p. 233 over the article M. K. G. Exh. J.

Also on Sept. 1st 1921, in the notes on p. 275 there is a paragraph entitled Punjab Proscriptions, which I read out, Exh. K.

Also on Sept. 29th "Letter to the Mussalmans of India" p. 300 Exh. L. in same paper as Exh. C. I produce a second copy.

I obtained these copies produced from S. I. Pathak of the intelligence branch. They were bought in the city of Ahmedabad.

I searched the Young India Press last night.

A search warrant was issued by the District Magistrate, Exh. M, I made a perquisition Exh. N and took certain papers. I have signed the perquisition. The contents thereof are true to my knowledge. I produce the three papers taken possession of by me.

Exh. O "Ban on Khaddar Cap"

Exh. P "The Meaning of the Moplah Rising"

Exh. Q "In Muzambugh Jail"

I produce these three to prove Mr. Gandhi's connection with the editorship of Young India. Exh. O refers to 1922 and P refers to the year 1931 and Q to the year 1922 like O.

Exh. O contains a letter sent to Mr. Gandhi on which he has made comments for publication in his own hand writing P is the MS of an article entitled the meaning of the Moplah rising.

Q is a letter addressed to the Editor Young India, Ahmedabad, handed to me by Swami Anandaram, and contains Mr. Gandhi's comments on the letter.

Clear examination. none.

11/3/22

L. N. BROWN.

Addl District Magistrate,  
Ahmedabad.

Indiabet A  
LNB  
11/3/22

**Order**

In pursuance of the provisions of section 196 of the Criminal Procedure Code, 1938 the Governor in Council hereby authorises Daniel Husky District Superintendent of Police, Ahmedabad, to lodge a complaint under section 124-A of the Indian Penal Code, 1860, against Mohandas Karamchand Gandhi and Shankarlal Chokhabhai Bankar, editor and printer respectively of the "Young India" newspaper, printed and published at Ahmedabad, in respect of the following articles which appeared in the issues of the said newspaper specified below :—

<i>Serial No.</i>	<i>Articles</i>	<i>Date of issue in which it appeared</i>
1	Disaffection a Virtue	15th June 1921
2	Tampering with Loyalty	29th September 1921
3	A Puzzle and its Solution	19th December 1921
4	Shaking the Masses	23rd February 1922

*By order of the Governor in Council*

Dated at Bombay this 4th day of March 1922

SEAL OF THE  
SECRETARIAT  
BOMBAY JUDICIAL  
DEPARTMENT

Signature (illegible)  
Secretary to the Government of Bombay,  
Home Department (Political)

[Article "Disaffection a Virtue" in the issue of Young India dated June 15, 1931 (Exh. B) referred to is the Deposition of Daniel Healy, District Superintendent of Police Ahmednagar.]

Exh. B

LNB

11/3/22

**Disaffection a Virtue**—To illustrate the dishonourable character of the existing system of Government, I have two telling instances before me. Principal Gidwan, the Vice-Chancellor of the Gujarat Vidyapeeth, has received a summons from Madras to answer the charge of disaffection, in connection with a speech delivered two months ago at Benares. There is no question of incitement to violence, as the charge itself would show. The section 124A, under which Mr. Gidwan is charged, runs "Whoever attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards His Majesty or the Government established by law in British India, shall be punished." "No one preaches hatred or disaffection towards the King. The disaffection, which Mr. Gidwan must have preached, the Ah Brothers are preaching constantly. No one perhaps excels me in harbouring and promoting disaffection towards it. Indeed, I hold it to be the duty of every good man to be disaffected towards the existing Government, if he considers it, as non-cooperators consider it, to be evil. Having decided not to prosecute the Ah Brothers, the Government should have stopped all prosecutions except for violence. But under the existing system of Government, even an ex-Lord Chief Justice of England cannot prevent a divorce between profession and practice unless he tears himself from his environment and supercedes the corrupt traditions of a corrupt system."

[Publisher's note—The following articles—

1. Tampering with Loyalty at page 309 of the Young India issue dated 28th September 1931 (Exh. C)
2. A Parable and its Solution at page 418 of the Young India issue dated 15th December 1931 (Exh. D)
- and 3. Shaking the Maras at page 119 of the Young India issue dated 23rd February 1932 (Exh. E)

have not been included in this Part since they find their place in Part III.]

[Article under the heading "If I am arrested" in the issue of Young India dated March 9, 1922 (Exh. F) referred to in the deposition of Daniel Hardy, District Superintendent of Police, Ahmedabad.]

Exh. F  
LNB  
11/3/22

If I am Arrested —

by M. K. Gandhi

The rumour has been spread that my arrest is imminent. It is said to be regarded as a mistake by some officials that I was not arrested when I was to be, i.e. on the 11th or 12th of February and that the Bardoli decision ought to have been allowed to affect the Government's programme. It is said, too, that it is now no longer possible for Government to withstand the ever-rising agitation in London for my arrest and deportation. I myself cannot see how the Government can avoid arresting me if they want a permanent abandonment of civil disobedience whether individual or mass.

I advised the Working Committee to suspend mass civil disobedience at Bardoli because that disobedience would not have been civil, and if I am now advising all provincial workers to suspend even individual civil disobedience, it is because I know that any disobedience at the present stage will be not civil but criminal. A tranquil atmosphere is an indispensable condition of civil disobedience. It is humiliating for me to discover that there is a spirit of violence abroad and that the Government of the United Provinces has been obliged to order additional police for avoiding a repetition of Chauri Chaura. I do not say that all that is claimed to have happened has happened, but it is impossible to ignore all the testimony that is given in proof of the growing spirit of violence in some parts of those provinces. In spite of my political differences with Pradip Hridayanath Karmali, I regard him to be above wilful perversion of truth. I regard him to be one of the most capable among public workers. He is not a man to be easily carried away. When, therefore, he gets an opinion upon anything, it immediately becomes my standpoint. Making due allowance for the colouring of his judgment

by reason of his pro-Government attitude, I am unable to dismiss the report of the Chuan Chuan tragedy as unworthy of consideration. Nor is it possible to ignore letters received from Zenshiang and others informing me of the violent temperament and ignorant lawlessness in the United Provinces. I have before me the illudely report signed by the Congress Secretary, while the authorities behaved like mad-men and forgot themselves in their fit of anger, we are not, if that report is to be believed, without fault. The volunteer procession was not a civil demonstration. It was incited upon impulse of a sharp division of opinion in our own ranks. Though the crowds that gathered were not violent, the spirit of the demonstration was undoubtedly violent. It was an important show of force wholly unnecessary for our purpose and hardly a prelude to civil disobedience. That the authorities could have headed the procession in a better spirit, that they ought not to have interfered with the Swastika flag, that they ought not to have objected to the        of the Town Hall which was torn property as Congress offices in view of the fact that it had been so used for some months with the permission of the Town Council, is all very true. But we have ceased to give credit to the authorities for common or reasonable aims. On the contrary, we have set ourselves against them because we expect nothing but unreason and violence from them and knowing that the authorities would act no better than they did, we should have refrained from all the previous violent demonstrations. That the U. P. Government are making a mountain out of a mole-hill, that they are discounting their own provocation and the provocation given by the murdered man at Chuan Chuan is nothing new. All that I am concerned with is that it is not possible for us to claim that we have given them no handle whatsoever. It is therefore as a penance that civil disobedience has been suspended. But if the atmosphere clears up, the people realise the full value of the adjective 'civil' and become in reality non-violent both in spirit and in deed, and if I find that the Government still do not yield to the people's will, I shall certainly be the first person to advocate individual or mass civil disobedience as the case may be. There is no escape from that duty without the people wishing to surrender their birthright.

I doubt the sincerity of Englishmen who are here fighting when they declare against civil disobedience as if it was a diabolical crime to be punished with exemplary severity. If they have glorified armed rebellions and resorted to them on due occasions, why are many of

side up in arms against the very idea of civil resistance! I can understand their saying that the attainment of a non-violent atmosphere is a virtual impossibility in India. I do not believe it, but I can appreciate such an objection. What, however, is beyond my comprehension is the decision made against the very theory of civil disobedience as if it was something immoral! To expect me to give up the preaching of civil disobedience is to ask me to give up preaching peace which would be tantamount to asking me to commit suicide.

I have now been told that the Government are contemplating the destruction of the three weeklies which I am conducting, viz. *Young India*, *Gopabandhu* and *Bandh*. I hope that the rumour has no foundation. I claim that these three journals are consistently preaching nothing but peace and good-will. Extraordinary care is taken to give nothing but truth, as I find it, to the readers. Every inadvertent inaccuracy is admitted and corrected. The circulation of all the weeklies is daily growing. The conductors are voluntary workers, in some cases taking no salary whatsoever and in the others receiving mere maintenance money. Profits are all returned to the subscribers in some shape or other. I cannot say that I shall not feel a pang if these journals cease to exist. But it is the craziest thing for the Government to put them out. The publishers and printers are all friends and co-workers. My contact with them is that the moment Government asks for accounts that moment the newspapers must stop. I am conducting them upon the assumption that whatever view the Government may take of my activities, they at least give me credit for preaching through these newspapers nothing but the purest non-violence and truth according to my lights.

I hope, however, that whether the Government arrest me or whether they stop by direct or indirect means the publication of the three journals the public will remain unmoved. It is a matter of no pride or pleasure to me but one of humiliation that the Government refrain from arresting me for fear of an outbreak of universal violence and civil slaughter that any such outbreak must involve. It would be a sad commentary upon my preaching of and upon the Congress and Khilafat pledge of non-violence if my incarceration was to be a



signal for a storm all over the country. Surely, it would be a demonstration of India's unreadiness for a peaceful rebellion. It would be a triumph for the bureaucracy, and it would be almost a final proof of the correctness of the position taken up by the Moderate friends, viz., that India can never be prepared for non-violent disobedience. I hope therefore that the Congress and Khilafat workers will strain every nerve and show that all the fears entertained by the Government and their supporters were totally wrong. I promise that such act of self-sacrifice will take us many a mile towards our triple goal.

There should therefore be no *hartals*, no noisy demonstrations, no processions. I would regard the observance of perfect peace on my arrest as a mark of high honour paid to me by my countrymen. What I would love to see, however, is the constructive work of the Congress going on with clockwork regularity and the speed of the Punjab Express. I would love to see people who have hitherto kept back, voluntarily discarding all their foreign cloth and making a bonfire of it. Let them fulfil the whole of the constructive programme framed at Bardoli, and they will not only release me and other prisoners, but they will also inaugurate *Swami* and secure redress of the Khilafat and the Punjab wrongs. Let them remember the four pillars of *Swami*: Non-violence, Hindu-Muslim-Sikh-Parsi-Christian-Jew unity, total renunciation of untouchability and manufacture of hand-spun and hand-woven *khaddis* completely displacing foreign cloth.

I do not know that my removal from their midst will not be a benefit to the people. In the first instance, the superstition about the possession of supernatural powers by me will be demolished. Secondly, the belief that people have accepted the non-co-operation programme only under my influence and that they have no independent faith in it will be disproved. Thirdly, our capacity for *Swami* will be proved by our ability to conduct our activities in spite of the withdrawal even of the organizer of the current programme. Fourthly and lastly, it will give me a quiet and physical rest which perhaps I deserve.

(The article "Lala Lajpat Rai" in the issue of Young India dated May 25, 1921 at p. 161 (Exhibit G.) referred to in the deposition of Daniel Hardy, District Superintendent of Police, Ahmedabad.)

X X X X

Exh G  
LNB  
11/3/22.

Lala Lajpat Rai—Let me take the Indian Social Reformer into the secret of my methods. My assistant drew my attention to the hostile criticism of Lajpat's speech and asked me whether I wished to say anything upon it. I had not the text of his speech before me, nor had seen any criticism. I, therefore, wrote to Lajpat, asking him to enlighten me on the matter, and suggesting that he should apologise, if a single harsh word was uttered. It has been my privilege on close acquaintance to find him generous, forgiving and frank. He sent me his letter that his Bombay speech was a specially considered utterance, and that he had not attacked any person in it. He had only dealt with the scheme of the Moderates as a party. He sent me the cutting for my opinion. This was while I was in Sindh. I was unable to read it and had forgotten all about it, till the Reformer's rebuke reminded me of it. I have now read Lajpat's speech and have much pleasure in stating that I find nothing offensive or discourteous in it. It is undoubtedly in Lajpat's fighting style. It is a party speech. He has adopted, by long residence in the west, the western form of criticism. But it is in the best western form. There is nothing vulgar in it. His charges are not unjustified by the conduct of the Moderate movement. His worst charge is that they have merged themselves in the bureaucracy. It is a serious charge to make, but the instances adduced by him surely prove it. The Moderates may retort, if they choose that outsiders cannot appreciate the difficulties of the movement. But that is just what proves the error of the great leaders who find themselves allied with the Government. They should have known that such would be their lot, or they should now know by experience, that it is no use being ministers, until they have an effective control over the

Governments policy. All the repression that is now going on, is almost as bad as before. It makes little difference that now there is the force of a trial. The fact is, that most of the political sections of the Penal Code are such as to bring almost every non-cooperation speech under them. I believe that if I was charged, I should have to plead guilty to the charge of sedition. It is the duty of a non-cooperator to preach dissaffection towards the existing order of things. Non-cooperators are but giving disciplined expression to a nation's outraged feelings. I should like to see a considered reply to Lala Lajpat Rai's strong indictment. In my humble opinion, the speech of Lala Lajpat Rai does not betray any loss of temper, and is quite in keeping with the advice he tendered the youth of the country in his concluding paragraph."

X X X X

[Article "REPRESSION IN THE C. P." appearing at Page 166  
of the issue of Young India dated May 25, 1921 (Exhibit II.)  
and referred to in the deposition of Daniel Hardy,  
D. S. P. Ahmedabad.]

10 11 12 13

F-5 H  
F-NB  
11-5-22

"In each province repression is taking its own special turn. In the U.P. the leaders of the movement are being generally left free. Pandit Motilal Nehru, the author of the circular to the Kaiser, is left untouched but the young men who distributed the circular are imprisoned. Whereas in the C. P. the acknowledged leaders are being picked up one after another and sentenced by an obliging magistracy. The latest instance is that of Mr. Sundarlal. He has undoubtedly a hold on the student world which few possess in the C.P. His is the restraining hand, so far as violence is concerned. But he is a courageous and effective speaker. And therefore in the opinion of the C. P. Government, he must be put out of harm's way. Here is the charge-sheet against Mr. Sundarlal.

"That you on or about the 2nd day of March 1921 at Khuragana, by delivering a speech to about 4000 people, the substance of which was that the British Government in India was being carried on deliberately and dishonestly with the object of exploiting the country and reducing it to a state of abject poverty and helplessness, and that the British Government is responsible for epidemics, famines, destruction of trade and industries, and all other misfortunes of the country, which is being so systematically reached towards destruction, that the pledges given to Mahomedans have been broken by the Government tyrannies and atrocities of the worst type were practised in the Punjab, and people have consequently lost all their faith in the Government and that the only remedy

for this state of things was complete extinction of British rule in India, which is to be brought about by the use of the weapon of Non-violent Non-co-operation, brought or attempted to bring into hatred or contempt, or excited or attempted to excite disaffection towards the Government established by law in British India and thereby committed an offence punishable under section 124A, of the I.P.C. and within my cognizance."

The charge is clear. It is not for violence done or intended. It is purely for spreading disaffection. There is practically nothing in the charge, which has not been repeated during the past twelve months from a thousand platforms. Indeed it may be stated to be the creed of the non-co-operator to give voice to the popular disaffection towards the Government and to spread it. Disaffection is the very essence of non-co-operation. It is the belief of every non-co-operator that the Government, running shows the system, is wicked, it is one of exploitation of India's resources, it has brought on unprecedented pauperism and consequently famine and disease. The system is responsible for India's helplessness. The British masters have undoubtedly broken their pledges to the Mahatmas. This and much more, every non-co-operator does believe, and therefore seeks by Non-co-operation to destroy the evil. I congratulate Mr. Sardaria on the prosecution. Indeed I envy the position occupied by him. Let the C.P. Government remove all the other leaders of the movement, and yet they will find that as a result, the disaffection, which they would crush, is all the deeper and stronger for their mad and thoughtless repression. The duty of the people is clear. They must go on with their programme of constructive and then prepare for the final struggle. We must keep sane despite of the Government's madness."

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[Paragraph in the Notes over the initials M. K. G., entitled  
 "Unacceptable" at p. 179 of the issue of Young India  
 dated June 8th, 1921 (Exhibit B) and referred to in  
 the deposition of Daniel Healy, D. S. P.,  
 Ahmedabad.]

Exh. B  
 I MB  
 11-1-22

Unacceptable—Some newspapers, mistaking the apology of the Ah Brothers as of weak men asking to avoid the discomfort of the prison life, have suggested that the Government should take similar undertakings from those undergoing imprisonment for political offences, and discharge them. No Non-co-operator worthy of his creed can possibly purchase his discharge by giving any undertaking to the Government. Every one of them has probably protested his innocence of violent intent. The Ah Brothers, had they been prosecuted, would still have made the statement now made. That would not have prevented their imprisonment. The makers of the unacceptable suggestion even know, that many have been sentenced for disaffection, or for refusing to give security that they will not speak. It is the duty of a Non-co-operator to preach disaffection to the existing system of Government, to prepare the country for civil disobedience, to refuse to give security of the kind just referred to.

The Ah Brothers have given no undertaking to refrain from any of the first two things. If, therefore, the Government desire to punish only sentiment to violence, almost all the men recently imprisoned are entitled to be discharged without any undertaking on their part. So far as Non-co-operators are concerned, they are or ought to be totally indifferent. Prison life must be the normal life of the majority of them. And it delights me to read the names of the people, who cheerfully prefer imprisonment to giving undertakings to buy their freedom. When every care is taken to avoid a breach of his own faith, a non-co-operator may not give any pledge of any kind whatever to anybody."

[Article under the heading "Fishing for Apologies" in the issue of Young India dated July 28th, 1921 (Exhibit J)  
at p. 220 referred to in the deposition of Daniel  
Basky, D. S. P. Ahmedabad.]

Exh J  
LNB  
11/3/22

"Fishing for Apologies—The correspondence published in the Independent between Messrs Jawaharlal Nehru, Joseph and Ranga Iyer and the U. P. Government proves, that my visit to the Viceroy and my advice to the Ali Brothers, to apologise for some of their speeches was a blunder from a political standpoint. It is becoming more and more clear that as Mahatma Abdul Bari has said, whilst the harm done by the visit and the apology is patent, the good that they might have done is too latent to be seen by the public. Happily I am not a politician. And I see the good hidden behind the discreditable use the U. P. Government have made of the Brothers' apology, to lead Messrs Jawaharlal Nehru and his friends into a trap. The Government have even copied the phraseology of the Brothers' apology. But is popularly and correctly described as matter misplaced. In precisely the same manner, whilst I held that the Brothers' apology was an honourable transaction being in its place, the apology required by the U. P. Government would have been a dishonourable transaction being out of its place. But that Government had tough people to deal with. They were not to be duped by false apologies, nor frightened by threats of imprisonment. The Government therefore has before it the choice of further proving its incapacity and intolerance by launching prosecutions against the three public workers for speeches or writings which the public and they themselves had long forgotten. If it prosecutes the 'offenders', it will prove itself incapable of dealing with the root cause of the unrest, and it will prove itself intolerant of well-merited hostile criticism. To call a spade a spade may seem harsh to the spade, but the simple truth is more likely than anything else to go home. A Government that does harsh things cannot be truthfully described by sweet words. The publication of the correspondence therefore has

been a great service to the cause of Swamy. It has cleared the atmosphere, and it serves as guidance for all who are placed in the same position as the three friends. A non-co-operator may not give an apology or undertaking to purchase freedom from prosecution. He must at the same time, whenever his attention is drawn to anything said by him which is calculated to move to violence, immediately correct his error and keep himself true to his creed. If the Government wish honestly to deal with non-co-operators and wish to imprison them because they do not like non-co-operation even though it is and remains non-violent, it has only to charge them under Section 124A, and every one of us must plead guilty, because it is our creed to harbour and to promote disaffection towards the Government as a system. We are out to destroy the system, and that, I am told, amounts to sedition in terms of that section. If it is permissible in law to compass destruction of the existing system, every non-co-operator is a pledged loyalist."

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[ Paragraph entitled "Punjab Prosecutions" in the notes on page 275 of the issue of Young India dated 1st September, 1931 (Exhibit K) referred to in the deposition of Daniel Healy, D.S.P., Ahmedabad. ]

Exh K  
LMS  
11/3/22

"Punjab Prosecutions—Master Saqad Habib has been sentenced to rigorous imprisonment for three years, avowedly for his writings in his paper, the *Shams*, but in reality for the influence he exercises over the Mussalmans. Mr Zafarullah Khan's son Mr Akhterullah, and his cousin Mr Gulamkader are under trial. The conclusion is foregone: Thus every Mussalman and every Sikh non-co-operator of note are to be put 'out of harm's way'. They would not apologise, they would not withdraw anything for there was nothing to withdraw. Disaffection in their writings certainly there was. But a non-co-operation journal to be worthy of the name has to preach disaffection. I, therefore, congratulate these gentlemen upon their well-earned honour. I can only hope, that the Mussalmans and the Sikhs will appreciate the Government action by completing their part of the Swadeshi programme. The people will have deserved these trials and convictions, if they possess enough power to be able to discharge these friends from gaols long before their period is over".

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[ "Letter to the Mussalmans of India" on page 304 of the issue of Young India dated 28th September 1921 (Exhibit L) referred to in the deposition of Daniel Hooley, D. S. P., Ahmedabad. ]

Exh. L  
I NB  
11/3/22

## TO THE MUSSALMANS OF INDIA

Dear countrymen

Whilst the arrest of Mahomed Shaukat Ali and Mahomed Ali has touched every Indian heart, I know what it has meant to you. The brave brothers are staunch lovers of their country, but they are Mussalmans first and everything else afterwards. It must be so with every religiously-minded man. The brothers have for years past represented all that is best and noblest in Islam. No two Mussalmans have done more than they to raise the status of Islam in India. They have promoted the cause of the Khilafat as no two other Mussalmans of India have. For they have been true, and they dared to tell what they felt even in their internment in Chhindwada. Their long internment did not demoralize or weaken them. They came out just as brave as they went in.

And since their release from internment, they have shown themselves true nationalists, and you have taken pride in their being so.

The Brothers have by their simplicity, humility and modesty/fit energy fired the imagination of the masses as no other Mussalman has.

All these qualities have endeared them to you. You regard them as your ideal men. You are therefore sorry for their separation from you. Many besides you miss their personal presence. For me, they had become inseparable. I seem to be without my arms. For anything connected with Mussalmans, Shaukat Ali was my guide and friend. He never once misled me. His judgment was sound and unerring in most cases. With the Brothers among us I felt safe about Hindu-Muslim unity, the value of which they understood as few of us have.

But while we all read them, we must not give way to grief or dejection. We must learn, each one of us, to stand alone. God only is our infallible and eternal guide.

To be dejected is not only not to have known the Brothers but it is, if I may venture to say so, not to know what religion is.

For do we not learn in all religions, that the spirit of the dear ones abides with us even when they physically leave us? Not only is the spirit of the Brothers with us, but they are serving better by their suffering, than if they were in our midst giving us some of their own courage, hope and energy. The secret of non-violence and non-co-operation lies in our realising, that it is through suffering that we are to attain our goal. What is the construction of jails, prisons, law courts and schools but a measure (very slight indeed) of suffering? That preliminary renunciation is a prelude to the larger suffering the hardships of a just life and even the final consummation on the palters of need be. The more we suffer and the more of us suffer, the nearer we are to our cherished goal.

The earlier and the more clearly we recognise, that it is not big meetings and demonstrations that would give us victory, but quiet suffering, the earlier and more certain will be our victory.

I have made your cause my own, because I believe it to be just. Khalifa, I have understood from your last note, it is an ideal. You are not fighting to restore any wrong or even revenge. You are backing the Turks, because they represent the gentleness of Europe, and because the European and especially the English prejudice against them is due, not to the Turks being worse than others as men, but to their being Muslims and not assimilating the modern spirit of exploitation of weaker people and their lands. In fighting for the Turks, you are fighting to raise the dignity and the purity of your own faith.

You have naturally therefore chosen pure methods to attain your end. It cannot be denied, that both Muslims and Hindus have lost much in moral stamina. Both of us have become poor representatives of our respective faiths. Instead of each one of us becoming a true child of God, we expect others to live our religion and even to die for us. But we have now chosen a method that compels us to turn, each one of us, our face towards God. Non-co-operation presumes, that our opponent with whom we non-co-

opposes, resorts to methods which are as questionable as the purpose he seeks to fulfil by such methods. We shall therefore find favour in the sight of God only by choosing methods which are different in kind from those of our opponents. This is a big claim we have made for ourselves, and we can attain success within the short time appointed by us only, if our methods are in reality radically different from those of the Government.

Hence the foundation of our movement rests on complete non-violence, whereas violence is the first refuge of the Government. And as no energy can be created without resistance, our non-resistance to Government violence must bring the latter to a standstill. But our non-violence to be true must be in word, thought and deed. It makes no difference that with you non-violence is an expedient. Whilst it lasts, you cannot consistently with your pledge harbour designs of violence. On the contrary we must have implicit faith in our programme of non-violence, which presupposes perfect accord between thought, word and deed. I would like every Mussalman to realise, whilst the occasion for anger is the greatest, that by non-violence alone can we gain complete victory even during this year.

Not is non-violence a victory programme. Just imagine what the united resolve of seven crores of Mussalmans tact to count the Hindus must mean. Should we not have succeeded already, if all the titled men had given up their titles, all the lawyers had suspended their practice and all the students had left their schools and all had boycotted councils? But we must recognise, that with many of us the flesh has proved too weak. Seven crores are called Mussalmans and twenty two crores are called Hindus, but only a few are true Mussalmans or true Hindus. Therefore if we have not gained our objective, the cause lies within us. And if ours is, as we claim it is, a religious struggle, we dare not become impatient even with ourselves, not even with one another.

The brothers, I am satisfied, are as innocent as I claim I am, of incitement to violence. Theirs, therefore, is a spoken offering. They have done all in their power for Islam and their country. Now, if the Khilafat and the Panjab wrongs are not redressed and Swaraj is not established during this year, the flesh will be pangs and mine.

We must remain non-violent, but we must not be passive. We must repeat the formulae of the Brothers regarding the duty of soldiers and unto imprisonment. We need not think, that the struggle cannot go on without even the loss of us. If it cannot, we are neither fit for Swaraj nor for redressing the Khilafat or the People's wrong. We must declare from a thousand platforms, that it is sinful for any Mussalman or Hindu to serve the existing Government whether as soldier or in any other capacity whatsoever.

Above all we must concentrate on complete boycott of foreign cloth, whether British, Japanese, American, French or any other, and begin, if we have not already done so, to introduce spinning wheels and handlooms in our homes and manufacture all the cloth we need. This will be at once a test of our belief in non-violence for our country's freedom and for saving the Khilafat. It will be a test also of Hindu Muslim unity, and it will be a unusual test of our faith in our own programme. I repeat my conviction, that we can achieve our full purpose within one month of a complete boycott of foreign cloth. For we are then in a position having confidence in our ability to control forces of violence, to offer civil disobedience, if it is at all found necessary.

I can therefore find no balm for the deep wounds inflicted upon you by the Government other than non-violence translated into action by boycott of foreign cloth and manufacture of cloth in our own homes.

Madras,

I am,

24th Sept. 1921

Your friend and comrade,

M. K. GANDHI

EXHIBIT M

LNB

16/3/22.

To

The Superintendents of Police, Ahmedabad District

Whereas complaint has been made before me of the commission of the offence of Sedition, punishable under Section 124A of the Indian Penal Code and it has been made to appear to me that the production of documents proving Mr. M. K. Gandhi's connection with the Editorship of "Young India" for the years 1921-1922 is essential to the enquiry now about to be made into the said offence:

This is to authorize and require you to search for the said documents in the buildings of the Navajivan Press, Ahmedabad and if found to produce the same forthwith before this Court, returning this warrant with an endorsement certifying what you have done under it immediately on its execution.

Given under my hand and the Seal of this Court, the 10th day of March, 1922.

G. E. CHATFIELD,  
District Magistrate,  
Ahmedabad

Seal of the  
District Magistrate  
Ahmedabad



**P A N C H N A M A**

**EXHIBIT N**

**LNB**

**11/3/22**

Number	Date	Age	At present	Residence
1. Swami Anand, Swami	Swami	47	Swami	(1) 11, Bhat, Kailash
2. Swami Anand, Swami	Swami	40	Swami	(2) 11, Bhat, Kailash

The above mentioned *panchna*, were called by the police on the day at about twelve o'clock at midnight in Narayan Press at Chak-Gul and the Police Superintendent Mr. Healy showed to Swami Anand, the Manager of the Press, search warrant bearing to-day's date issued by the District Magistrate, Ahmednagar for taking possession of letters of Mr. M. K. Gandhi as an Editor of Young India paper of 1921-22 from Narayan Press and on asking him to produce the letters Swami Anand produced three manuscript writings of Mr. M. K. Gandhi— "1. Bas on Khaddar caps" in which 5 pages are written in pencil by Gandhiji and 2 two pages of correspondence written in ink and "2. The meaning of the Mopla Rising" pages 22 written in English in ink together with a small piece of paper on which instructions are written in Gujarati in ink to the Assistant Editor regarding the meaning of the Mopla Rising and "3. a letter to Hazaribag Jail" with notes of Mr. M. K. Gandhi and instructions to the Assistant Editor, of two pages written in ink. Thus on Swami Anand producing in all these letters before the police, the police has taken possession of the same in presence of us, the *panchna*.

Date: 10/3/22

Shri. Jashwanth Prasad, my signature, my own handwriting  
Abdulla Khan Gulabnagar

Before me,

D. HEALY,  
D. S. P.  
Ahad





the earliest victims.  
His arrest had created  
an impression as to  
him as an experienced  
+ man of literary  
tastes, he was living  
in practical retire-  
ment. He was fear-  
less & truthful  
in his writings.

Hence his arrest. From  
his letter the reader  
will see with what  
scrupulous  
care he is  
discharging him-  
self on the part.

Rev. A. S.

the earliest victims. His arrest had created a sensation as it  
was unexpected. A man of literary tastes, he was living in  
practical retirement. He was fearless and truthful in his  
writings. Hence his arrest. From his letter the reader will see  
with what scrupulous care he is discharging himself on the part

Just like so many other <sup>N.C.O.</sup> prisoners, he is helping the authorities in preserving good discipline. Let the letter speak for itself.

(Take A)

The difficulty however about Khaddar caps is one of principle. On which there can be no surrender. The simple imprisonment prisoners have

Like so many other N.C.O. prisoners, he is helping the authorities in preserving good discipline. Let the letter speak for itself.

(Take A)

The difficulty however about Khaddar caps is one of principle, on which there can be no surrender. The simple imprisonment prisoners have

the right to wear  
 I suppose it is. They  
 should it is therefore  
 an insult to them  
 to deprive them of  
 their caps. I hope that  
 the Inspector General  
 has solved the diffi-  
 culty as expected  
 by the Hon. Secy.

It is no pleasure  
 to have to fight in  
 the jails for the Govern-  
 ment in the jails -  
 they might be treated

Page No. 4

the right to wear their own caps. It is therefore an  
 insult to them to deprive them of their caps. I hope that  
 the Inspector General has solved the difficulty as expected  
 by Hon. Secy. It is no pleasure to have to fight  
 the Government in the jails. They might be treated

'as neutral ground  
 where the animosities  
 may be buried. Death  
 'close, many a controversy  
 'imprisonment is  
 civil death. ~~we are~~  
~~able to avoid~~  
 down to a certain  
 extent <sup>points</sup> acerbities  
 inside the. Is it not  
 possible to keep the  
 political animosities  
 outside the prison  
 walls? But I know  
 it is too much to ex-  
 pect this Govern-

File No. 1

as neutral ground where the animosities may be buried. Death  
 does many a controversy. Imprisonment is civil death. Is  
 it not possible to keep the political animosities outside the pri-  
 son walls? But I know it is too much to expect this Govern-

~~must take~~ while  
 living in a prison  
~~to the~~ to the  
 but in by is observed  
 the words of the same  
 and is looking? the  
 person have. Liberty  
 will be all the  
 dearer for the price  
 that is being exacted

of us.  
 So I will these bitter  
 lines, the voice within,  
 will ask whether I  
 am doing justice

John Doe

ment which lives on pretensions of decency to observe the lines  
 of the game even behind the iron bars. Liberty will be all the  
 dearer for the price that is being exacted of us

As I write these bitter lines, the voice  
 within me asks whether I am doing justice

7.  
to the Government!  
as I don't know that  
that <sup>the prisoners</sup> they are having  
a royal time of it in  
the Agre jail, <sup>that</sup>  
indeed. But the answer  
coming comes all  
jails are not Agre  
jails. whatever is  
given is exported.  
whatever is im-  
portable is derived  
withheld. But I hear  
Panda Mohelpi  
saying to me 'what

Page No. 7

to the Government? Do I not know that that the prisoners  
are having a royal time of it in the Agre jail? But the an-  
swer surely comes—all jails are not Agre jails. Whatever  
is given is exported. Whatever can possibly be derived  
is withheld. I hear Panda Mohelpi saying to me 'what

8  
is my comfort  
worth if my next  
door neighbour  
who does not happen  
to be a well known  
barrister does not  
get the creature  
comforts that I get!  
not

Plum Street

'is my comfort worth, if my next door neighbour who does not  
happen to be a well known barrister does not get the creature  
comforts that I get'



209 The meaning of

the Moplah

210 Rising in the

211 I corresponded  
from Holland  
takes me to task  
for not dealing  
sufficiently  
with the Moplah  
rising in these  
columns. The  
result, he says,  
has been that  
those <sup>in the past</sup> who are  
in the habit of  
studying Indian  
affairs have  
been induced  
to believe that  
that an Islamic  
Kingdom is so.

File No. 1

Box P  
UNB  
11/3/32

The meaning of the Moplah Rising  
(By M. K. Gandhi)

A correspondent from Scotland takes me to task for not dealing sufficiently with the Moplah rising in these columns. The result, he says, has been that those in Great Britain who are in the habit of studying Indian affairs have been induced to believe that that an Islamic Kingdom is so.

Established in India.  
The reproof is  
not <sup>wholly</sup> <sup>by</sup> deserved  
but I do I have  
not to his head duty  
in the matter  
have been simply  
helpless I do  
want to go to  
Calcutta and reach  
the bottom of the  
trouble as  
I have doubt  
have But the  
Government  
had willed it  
otherwise. I am  
sorry to believe  
but it is my  
belief that etc

Photo No. 18

Established in India. The reproof is not wholly undeserved but I have not shirked duty in the matter. I have been simply helpless. I wanted to go to Calcutta and reach the bottom of the trouble as I believed I could have. But the Government had willed it otherwise. I am sorry to believe but it is my belief that the

men on the  
spot do not want  
to end the trouble,  
they certainly  
do not wish to  
give non-coopera-  
tors the credit  
for peacefully  
ending the  
trouble. They  
are desirous of  
showing once  
more that it is  
only the British  
soldier who  
can maintain  
peace in India.  
There is no remedy.

Page 24 11

men on the spot do not want to end the trouble, they certainly do not wish to give non-cooperators the credit for peacefully ending the trouble. They are desirous of showing once more that it is only the British officer who can maintain peace in India.

But I could not  
 give battle to  
 the Government  
 by disregarding  
 the instructions  
 - & try to enter not  
 to enter the dis-  
 turbed area [ ]  
 should like to  
 tell the men on the spot  
 to think otherwise

It is contrary  
 to my nature to  
 believe in the  
 depravity of  
 human beings  
 But there is  
 so much evidence  
 about one of the  
 depravity of the

Rev. Mr. J.

and I could not then give battle to the Government  
 by disregarding the instructions not to enter the dis-  
 turbed area I should like to think better of the men  
 on the spot It is contrary to my nature to believe in  
 the depravity (or depravity) of human beings But  
 there is so much evidence about one of the depravity of the

5  
be aware of  
mind that it  
will stop at  
nothing to gain  
its end. It is  
the eternal truth  
I tell when I  
say that before  
I went to Champaran  
I did not  
believe the  
stories I was told  
of the atrocities  
committed  
against the peasants  
of Champaran.  
When I went  
there, I found  
the state much  
worse than  
many of the

Page No. 12

be aware of mind that it will stop at nothing to gain its end. It is the eternal truth I tell when I say that before I went to Champaran I did not believe the stories I was told of the atrocities committed against the peasants of Champaran. When I went there, I found the state much worse than was

described to me. I had refused to believe that innocent people could have been murdered in cold blood without warning at Jallawala Bag. I had refused to believe that human beings could be made to crawl on their bellies. But on reaching the Punjab, I found to my horror that much more than what

Page No. 19

described to me. I had refused to believe that innocent people could have been murdered in cold blood without warning as they were at Jallawala Bag. I had refused to believe that human beings could be made to crawl on their bellies. But on reaching the Punjab, I found to my horror that much more than what

7  
I was told what  
had happened.  
And all this was  
done in the  
name of so  
peace & order  
so called but  
in reality  
for the  
purpose of sus-  
taining a training  
a false prestige  
a false system  
and an un-  
natural con-  
nection. The same  
thing it is true  
that a strong  
Lieutenant  
Governor was  
able to attain

Page No. 15

I was told had happened. And all this was done in the name of  
peace & order so called but in reality for the purpose of sustain-  
ing a false prestige, a false system and an unnatural connection.  
It is true that a strong Lieutenant Governor was able to attain

justice in  
Champanan  
in the face of  
overwhelming  
opposition. But  
that was really  
an exception  
due to exceptional  
causes. And  
so I feel the  
Moglah result  
has come as  
a ~~set~~ blessing  
to a ~~solid~~ crumbling  
system that  
is crumbling  
to pieces by  
the weight of  
its own enormity.

Page No. 31

justice in Champanan in the face of overwhelming opposition  
But that was really an exception due to exceptional causes. And  
so I feel the Moglah result has come as a blessing to a system  
that is crumbling to pieces by the weight of its own enormity



9  
The Moghul  
revolt is a  
good test for  
Hindu & Muslim  
means easy  
to kindle  
friendship sur-  
vive etc strain  
put upon it  
Can mutual  
manners in the  
deepest recesses  
of their hearts  
approve of  
the conduct of  
the Moghuls?  
Time alone can  
show the reality.  
A verbal & forced

Page 10 11

The Moghul revolt is a test for Hindu & Muslims. Can Hindu friendship survive the strain put upon it. Can Muslims in the deepest recesses of their hearts approve of the conduct of the Moghuls? Time alone can show the reality. A verbal & forced

philosophic  
acceptance  
of the inevitable  
is no test of

1 Hindu friend  
- says the Hindus  
must have  
the courage &  
the faith to feel  
that as they  
can protect  
their religion  
in spite of  
such fanatical  
corruptions &  
verbal dis-  
approval of  
by the Mus-  
salmans of

Plate No. 15

philosophic acceptance of the inevitable is no test of Hindu friendship. The Hindus must have the courage & the faith to feel that they can protect their religion in spite of such fanatical corruptions. A verbal disapproval by the Mussalmans of

Mopleh madness  
is no test of true  
submanfriend  
ship. The Mus.

- 1. subman no  
must not only  
feel the shame  
& humiliation  
of the war Mopleh  
conduct in  
for about forcible  
conversions,  
looting & they  
must <sup>not</sup> ~~work~~ away  
so silently &  
effectively that  
such things  
might become  
impossible

Page No. 11

Mopleh madness is no test of Muselman friendship. The Muselmans must not only feel the shame and humiliation of the Mopleh conduct about forcible conversions and looting and they must work away so silently and effectively that such things might become impossible

even on the part  
 of the most fanatical  
<sup>among them</sup>  
 my belief is  
 that the Hindus  
 as a whole  
 have, received  
 the Moplah  
 message with  
 wonderful  
 equanimity and  
 that the cultured  
 Mussalman  
 are sincerely  
 sorry for the  
 Moplahs  
 for distortion  
 of the teaching,  
 of the holy Prophet  
 the Moplah

Page No. 12

even on the part of the most fanatical among them  
 my belief is that the Hindus as a whole have received  
 the Moplah message with wonderful equanimity and that  
 the cultured Mussalman are sincerely sorry for the Moplah  
 distortion of the teachings of the holy Prophet. The Moplah

revolt teaches  
another lesson  
viz that each  
individual must  
be taught

- the art of self  
defence. It is  
more a mental  
state that has  
to be inculcated,  
& than as if the  
the individuals  
should be trained  
for retaliation.  
• Our mental  
training has  
been one of feeling  
helpless Bravery

Page No. 21

revolt teaches another lesson viz, that each individual must be taught the art of self defence. It is more a mental state that has to be inculcated than that our bodies should be trained for retaliation. Our mental training has been one of feeling helpless Bravery

is not a quality  
 of the body, it is  
 of the soul. I  
 have seen &  
 cowardice  
 cased in  
 tough bodies,  
 muscle and  
 rare courage  
 in the feeblest  
 body. I have  
 seen big bulky  
 muscular  
 Zulus cowering  
 before an English  
 lad & turning  
 tail if they  
 saw a loaded  
 revolver pointed

Hand No. 17

is not a quality of the body, it is of the soul. I have seen cowards  
 cased in tough muscle and rare courage in the feeblest body.  
 I have seen big bulky and muscular Zulus cowering before an  
 English lad and turning tail if they saw a loaded revolver pointed

at them. I have  
 seen Emily  
 Hobhouse a  
 paralytic body  
 exhibiting  
 courage & courage  
 of the highest order.  
 She was the one  
 noble woman  
 who kept up  
 the drooping  
 spirits of brave  
 Boer generals  
 & equally brave  
 Boer women. The  
 weakest of us  
 physically must  
 be taught the  
 art of facing

Photo No. 27

at them. I have seen Emily Hobhouse a paralytic body  
 exhibiting courage of the highest order. She was the one noble  
 woman who kept up the drooping spirits of brave  
 Boer generals and equally brave Boer women. The weakest  
 of us physically must be taught the art of facing

dangers & giving  
 a good account  
 of ourselves. Let  
 there be no what  
 was more detest-  
 detestable, the  
 ignorant  
 fanaticism of  
 the Moslem  
 brother or the  
 cowardice  
 of the Hindu  
 brother who  
 helplessly  
 murdered the  
 Islamite for  
 murder or allowed  
 his tuft of  
 hair to be cut  
 or his vest to

Plate No. 17

dangers and giving a good account of ourselves. What was more  
 detestable, the ignorant fanaticism of the Moslem brother or  
 the cowardice of the Hindu brother who helplessly murdered  
 Islamite friends or allowed his tuft of hair to be cut or his vest to



be changed? Let  
 me not be mis-  
 understood. I  
 want both  
 the Hindustani & the  
 Mussalmano  
 to cultivate  
 the art of  
 courage to die  
 without kill-  
 ing. But if he  
 has not that  
 courage, I want  
 him to cultivate  
 the art of killing  
 & being killed  
 rather than  
 live in a cowardly  
 manner fleeing.

be changed? Let me not be misunderstood. I want both the Hindustani and the Mussalmano to cultivate the art of courage to die without killing. But if he has not that courage, I want him to cultivate the art of killing and being killed rather than live in a cowardly manner fleeing.

foom danger.

For to the latter  
~~in spite of his flight~~  
 does committed

† mental ~~man~~  
~~was~~ himself He  
 fled because he  
 had not the courage  
 to be killed in  
 the act of killing

There is yet  
 another lesson  
 the Moplah  
 outbreak teaches  
 us. We dare not  
 leave any section  
 of our country  
 men in utter  
 darkness and

Page No. 20

great danger for the latter in spite of the flight does commit  
 mental ~~man~~ He fled because he had not the courage to be  
 killed in the act of killing

There is yet another lesson the Moplah outbreak teaches us. We  
 dare not leave any section of our countrymen in utter darkness and

expect not to  
 be overtaken  
 & by it ourselves.  
 Our English  
 'masters' were  
 uninterested  
 in the Mozhiks  
 becoming orderly  
 citizens & learning  
 the virtue  
 of toleration  
 and the truth  
 of Islam. But  
 we too have  
 neglected our  
 ignorant  
 countrymen  
 all these long

Page No. 27

expect not to be overtaken by it ourselves. Our English  
 'masters' were uninterested in the Mozhiks becoming orderly  
 citizens learning the virtue of toleration and the truth of Islam.  
 But we too have neglected our ignorant countrymen all these long

centuries we  
 have not felt  
 the call of  
 love to see that  
 no one was  
 left ignorant  
 of human-  
 ite necessity  
 humaneness  
 or to remain  
 in want of  
 food or clothing  
 without any  
 fault of his own.  
 If we do not  
 wake up be-  
 times, we shall

Play No. 25

centuries. We have not felt the call of love to see that no one was left ignorant of the necessary humaneness or remained in want of food or clothing without any fault of his own. If we do not wake up be- times, we shall

find a similar  
tragedy enacted  
by the & all the  
{ submerged  
classes. The  
present awakening  
is affecting  
all classes and  
all the so-called  
untouchables,  
and all the  
so-called  
servisable  
tribes with  
presently bear  
witness to  
our wrongs  
against them

find a similar tragedy enacted by all the submerged  
classes. The present awakening is affecting all classes  
'Untouchables' and all the so-called servisable  
tribes with presently bear witness to our wrongs against them

if we do not  
 render unto  
 pleasure and  
 render tardy  
 justice to them,  
 and our own  
 ourselves.

That the  
 people would  
 not have risen  
 at the present  
 time if there  
 was no white

Page No. 22

if we do not do pleasure and render tardy justice to them

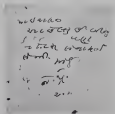


Plate No. 1

मातृ मलय

मातृ मलय ३ मलय ३ मलय ३ मातृ मलय ३ मलय ३ मलय ३

मलय

३.

३. ३

मातृ ३

(Translation of the above)

मातृ मलय

This is list. At least take notice, if you can, even if nothing else (can be taken)

La

Ja. Pro

Mohandas

A. Ch.





*In Hagerberg Jail.*

Enk Q  
LNB  
11/3/22

To

The Editor,  
"Young India",  
Ahmedabad

Sir

On 17/2/22 the Jail Superintendent Major Cook and Mr. Meek the Jailer of the local central jail went to see Sherh Abutorah Wani Ahmad B. A. B. L. Vakil of the High Court who is a political Non-co-operation prisoner and who has been transferred here from the Bapur Central Jail. At that time the said Moulvi Sahib who was engaged in reading his *Qur'an* was asked by the Superintendent to stand up but as he was busy in reading his *Qur'an* he could not do so and hinted by raising his hand to wait whereon the jailer shouted out something in English and kicked the *Qur'an* and forcibly lifted up the aforesaid Moulvi Sahib and shook him physically and took away the *Qur'an*. This created a great deal of sensation and unrest among the other political prisoners in the jail who made some sort of protest. The public of this town has been greatly alarmed and shocked to hear all these incidents. So much so that on Friday last the Mohammedans of this place held a meeting in the mosque protesting against the sacrilegious (i.e. sacrilegious) act of the jailer in kicking the *Qur'an* and brutally treating the Moulvi Sahib during his religious devotion.

On 18/2/22 Mr. A. W. Jones, Deputy Magistrate of Hagerbigh went to the jail hospital along with the Superintendent and the Jailer and there examined the aforesaid Moulvi Sahib, Baba



Babu Ram Narain Singh B. L. a non co-operative political prisoner, Babu Chaturanjan Guba Thakuria and Moulvi Md Fawazuddin prisoners and they all corroborated the fact of locking the Quawan by the jailer. After that Doctor Babu and Head warder were examined and they denied all knowledge of the fact. After this the Supt. ordered that the aforesaid Moulvi Sahib Abdoorab B. L. Biru Chaturanjan Guba Thakuria, and Md Fawazuddin be given 15 stripes each and they were taken to the place for being flogged and the aforesaid Moulvi Sahib Abdoorab B. L. was fastened to the triangular post whereon Mr Ward Jones, D. M. asked to wait as he did not examine the orderly. Then orderly warder Ram Sagar Ram was examined who fully corroborated the fact that jailer locked the Quawan whereon the Deputy Magistrate stopped the flogging.

On 23.2.22 the Deputy Commissioner of Hazaribagh went to the central jail and dismissed the aforesaid warder.

Hazaribagh

I am etc

27.2.22

Rameshwar Prasad,

Secretary,

District Congress Committee

(If the statement made by the correspondant is correct it betrays considerable lack of regard even for the most precious religious sentiments of people)

M K G.]

1884 (1)  
 Mahatma Jyoti Bapu  
 Satyagrahi  
 'Satyagrahi' Ahmedabad  
 Central Jail  
 Fatehgarh  
 16 July '22 A.P.  
 Kanchanlal

I have purposely refrained from writing to you  
 during the last 3 months that I spent here, and  
 was thoroughly satisfied with my lot, and did not  
 in any way, to enable you to see a thing  
 to me from a "distraction".

There have, however, arisen some points in  
 connection with the jail life of Mahatma Jyoti  
 which I should like to bring to your kind attention.  
 Some time ago, a volunteer undertook, under  
 several pretences of the I.C. that an attempt  
 to be of a political nature came from him  
 and it was found that he refused to wear the  
 jail clothing which is not made of hand-  
 spun yarn, as he thought it would be going off  
 the education pledge that required him to wear  
 only "hand-spun & hand-woven" cloth. The  
 education of every other cloth. This was given  
 was a situation that he would not even take  
 any food. Ultimately the jail officials

I have purposely refrained from writing to you during the last 15 months that I spent here, as I was thoroughly satisfied with my lot and did not see any reason to snatch from you even a single minute for more personal gratification.

There have, however, arisen some points in connection with the jail life of non-co-operation which I should like to bring to your kind notice.

Sometime ago, a volunteer sentenced, under several sections of the I. P. C. that are not considered to be of a political nature, came here from Birwah and it was found that he refused to wear the jail clothing which is not made of handspun yarn, as he thought it would be going against the volunteer pledge that required him to use only "handspun and hand-woven khaddar to the exclusion of every other cloth". This youngman was so stubborn that he would not even take any food. Fortunately the jail officials did not

"perhaps a..." nations and allowed me to  
 rescue him from the awkward position in which  
 he had, through unbounded zeal, placed himself.

Now this is not the only instance of the  
 kind. A week ago I had read that some one  
 at Allahabad had also fallen in the same  
 mistake. In my mind this attitude is quite  
 unfavourable and contrary to the spirit in which  
 we are expected to live in (a)l.

The other point is rather curious. A  
 non-co. operator who was lately made high  
 prisoner and was therefore allowed to put on  
 their own clothes, have been prohibited from  
 wearing the Gandhi Cap. This order made him  
 very angry as his officer who gave the order  
 had all along been very kind and they did  
 not want to do anything to offend him. But  
 as they did not want to be humiliated in  
 this manner they asked me to intervene on  
 their behalf.

precipitate matters and allowed me to rescue him from the awkward position in which he had through unbounded zeal placed himself.

Now this is not the only instance of its kind. A week ago I had read that some one at Allahabad had also fallen in the same mistake. To my mind this attitude is quite untenable and contrary to the spirit in which we are expected to live in jail.

The other point is rather serious. Two non-co-operators who were lately made simple prisoners and are therefore allowed to put on their own clothes, have been prohibited from wearing the Gandhi-cap. This order made them very uneasy as the officer who gave the order had all along been very kind and they did not want to do anything to offend him. But as they did not want to be humiliated in this manner they asked me to intervene on their behalf.

I spoke to his prior command ~~and~~ as was argued that personally he is not particularly strict. In fact he had rarely carried out the wishes of the District Magistrate who is official visits happened to come here and being one of the simple prisoners wearing their caps instead to prohibit things etc.

According to the jail regulations, all simple prisoners wear their own clothing as far as I understood there is no restriction in the matter of dress - only prohibited in the sense that they cannot wear anything which might offer facilities for suicide or escape. Beyond that they are perfectly free to dress themselves in any fashion they like. Now it is clear that this prohibition is only an innovation of very recent date and is simply American and humiliating for though many of us do not actually wear this cap yet there can be no doubt that



I spoke to the officer concerned and was assured that personally he is not particular about it. In fact he had merely carried out the wishes of the District Magistrate who as official visitor happened to come here and seeing some of the simple prisoners wearing these caps ordered to prohibit their use.

According to the jail regulations, all simple prisoners wear their own clothing. So far as I understood their choice in the matter of dress is only restricted in the sense that they cannot wear anything which might offer facilities for suicide or escape. Beyond that they are perfectly free to dress themselves in any fashion they like. Thus it is clear that this prohibition is only an innovation of very recent date and is simply obnoxious and humiliating for though many of us do not usually wear this cap yet there can be no doubt that

(1)

very large number of our countrymen, and  
especially the non-cooperators, consider it  
to be an outward symbol of our unity and  
the most expressive token of our warm  
and high regard for the great land  
whose venerable name it bears.

The Inspecter General of it I presume  
is about to visit this, and very shortly as  
the matter will be referred to him who is  
likely to settle ~~the matter~~ satisfactorily  
if his intervention has not already been  
sought by an order of his local Govt. In  
that case, of course it will be our duty  
to disobey his order at all cost.

I trust you will be able to spare  
some precious moments of your valued time  
for a consideration of these points and will  
kindly let me know of your convenience,  
what you think of it. In the right corner  
Respectfully Yours  
Zafar Ahmad Khan

a very large number of our countrymen, more specially the non-cooperators, consider it to be an outward symbol of our unity and the most expressive token of our reverence and high regard for the great leader whose venerable name it bears.

The Inspector General of U P jails is about to visit this jail very shortly and the matter will be referred to him who is likely to settle it satisfactorily, at his discretion has not already been tied by an order of the local Govt. In that case of course it will be our duty to disobey the order at all costs.

## EXHIBIT NO. 2

### *Deposition of Witness No. 2 for the Prosecution*

I do hereby on solemn affirmation state that—

My name is	Nasserwanji Desaiji	Father's name
	Gharib	
Religion	Parsee	Caste
Age about	48	Occupation Registrar, High Court Appellate Side, Bombay
Residence	Bombay	District

*Examination-in-Chief by Mr. Gerald Fisher Prosecutor*

I have been Registrar of the High Court officiating from April 1918 to Dec 12th 1919, and have been Registrar since June 2nd, 1920.

In Oct 1919 I wrote a letter to the Editor Young India on Oct 18th. It was as follows—Exhibit R. It is signed by me. It was addressed to the Editor Young India. I received a telegram in reply as follows Exh S signed by Gandhi Editor Young India. Saharani. I read and signed the endorsement on the back of the telegram.

I sent a reply to that on Oct 30 1919 as follows—Exh T addressed to Mohandas Karanchand Gandhi, Esq., Editor the Young India Ahmedabad.

I received a reply dated Oct. 22nd 1919. Exh U signed by M. K. Gandhi.

I sent a reply dated Oct. 31st 1919. Exhibit V together with a form of apology Exhibit W.

I received a reply signed by M. H. Desai, Asstt. Editor Young India, Exh X.

A further telegram was received from Lahore from Mr. Gandhi Exh Y dated Nov. 7th but received in office on Nov. 20th. The next letter is dated Dec 11th 1919. Exh Z.

A further letter was received dated Jan. 9th Exh A/A  
My successor in office sent a reply BB the letter is initialed by Mr  
Kunderley who is in the Secretariat.

A reply was received dated Jan 11th, Exh CC

A reply was sent DD Jan 13th 1920

A reply was received dated Jan 24th, 1920 Exh EE

A reply was sent on Jan 29th 1920 Exh FF

A further letter was sent on Feb 25th 1920 Exh GG

A reply was received dated Feb 27th from Mr Geadh  
Exh HH enclosing a statement Exh II.

The case was decided on March 12th 1920 Exh JJ

I find from p. 77 of the Bombay Civil Law that Mr Kunderley  
is on leave, and not now in the Secretariat. I can swear to his  
affairs on the papers and do so swear

Cross examination —None

11/3/22

L N BROWN

Add D M

Exh R

LNB

11/3/22

High Court,

Bombay, 18th October 1919

Dear Sir,

I am directed by the Honourable the Chief Justice to request  
you to attend His Lordships Chamber on Monday the 20th instant  
at 11 o'clock A.M. so that you may have opportunity of giving an  
explanation regarding the publication in Young India on the 6th  
August of a private letter addressed by Mr Kennedy, District Judge  
of Ahmedabad to the Registrar Bombay High Court together with  
certain comments thereon.

Yours faithfully,

18.10 NDG,

Ag. Regr

The Editor,  
Young India



Enb. S.

LNB

11/3/22

POSTS AND TELEGRAPHS

AHMEDABAD

20 9 55 X

01003

10 6  
HRS MTS

To

REGISTRAR HIGH

COURT BOMBAY

RECEIVED YOUR LETTER AFTER EIGHT OCLOCK  
TO-DAY REGRET INABILITY ATTEND AS PER  
YOUR LETTER AM PREPARING GO PUNJAB  
THIS WEEK

WILL WRITTEN EXPLANATION DO AWAITING  
HIS LORDSHIPS PLEASURE

GANDHI EDITOR

YOUNG INDIA

SABARMATI

Submitted to the Hon'ble the Chief Justice.

On inquiry it was found that the  
Office of Young India was lately transferred  
from Bombay to Ahmedabad. So an additional  
copy of the letter was posted on Saturday to  
Ahmedabad as well. And this is the reply  
received to that letter. 20.10.48  
As Registered }.

Page No. 19

(Endorsement on reverse of Exhibit 8)

Submitted to the Hon'ble the Chief Justice

On inquiry it was found that the office of Young India was  
lately transferred from Bombay to Ahmedabad. So an additional  
copy of the letter was posted on Saturday to Ahmedabad as  
well. And this is the reply received to that letter.

20.10.48

N. D. GHARDA,

As Registrar



Esq. T.  
LNB  
10/3/22

HIGH COURT  
BOMBAY

20th October 1919.

Dear Sir,

With reference to your telegram of the 20th instant I am directed by the Honourable the Chief Justice to say that His Lordship does not want to interfere with your preparations for going to the Punjab. His Lordship is therefore willing for the present to receive a written explanation. The point I am directed to state is that the letter and the comments thereon were published without the permission of this Court at a time when proceedings were pending in the Court in connection with the said letter.

Yours faithfully,

NDG  
20/10 Ag. Regr.

To

Mohandas Karamchand Gandhi, Esq.,  
The Editor,  
Young India, Subarnata

---

Edu V

81

11/3/22

Sahamati,

Letter no

Dear Sir,

I am in receipt of your letter of the 20th instant regarding the publication in 'Young India' on the 6th August of a private letter addressed by Mr. Kinnery, District Judge of Ahmedabad and comments thereon in 'Young India'.

I am grateful to the Hon. the Chief Justice for not interrupting my preparation for going to the Punjab. The letter in question was in no way understood by me to be private, nor did the contents lead me to think so. It came into my

Est. D.

Sabernall,

LNB

October 22.

11/3/22.

Dear Sir,

I am in receipt of your letter of the 20th instant regarding the "publication in 'Young India' on the 6th August of a private letter addressed by Mr. Kennedy, District Judge of Ahmedabad" and contents therein in 'Young India'

I am grateful to the Hon. the Chief Justice for not interrupting my preparations for going to the Punjab. The letter in question was in no way understood by me to be private, nor did the contents lead me to think so. It came into my

26  
possession in the ordinary course; and  
I decided to publish it only after I  
understood that it was received by the  
Govt in a proper, regular and proper  
manner. In my humble opinion I  
was within the rights of a journalist  
in publishing the a/c in question and  
making comment thereon. I believed  
the letter to be of great public importance  
and one that calls for public criticism.

I trust that His Lordship will be  
satisfied with the explanation submitted  
by me.

My address in Lahore will be care,

27 OCT 1919  
Mrs Santokhi Choudhary

Yours faithfully  
Santokhi

Page No. 27

possession in the ordinary course, and I decided to publish it only after I understood that it was received by the press in a proper, regular and open manner. In my humble opinion, I was within the rights of a journalist in publishing the letter in question and making comments thereon. I believed the letter to be of great public importance and one that called for public criticism.

I trust that His Lordship will be satisfied with the explanation submitted by me.

My address in Lahore will be care Mrs. Sarindran Chowdhuri.

Yours faithfully,

M. K. GANDHI

22nd October 1919

Enb. V.  
LNB  
11/3/22

GOVERNMENT OF BOMBAY

21st October 1919

Dear Sir,

I am directed to acknowledge the receipt of your letter of the 22nd instant and to inform you that the Honourable the Chief Justice regrets that he cannot regard your explanation as satisfactory. However his Lordship is willing to concede that you were unaware that you were exceeding the privilege of a journalist provided that you publish in the next issue of Young India an apology in the accompanying form.

Yours faithfully,

MDC  
31-10  
Ag. Secy

To

Mohandas Karamchand Gandhi, Esquire,  
Editor, Young India,  
Sabarmati

Enb. W  
LNB  
11/3/22

Whereas on the 6th August 1919 we published in Young India a private letter written by Mr. Kennedy, District Judge of Ahmedabad to the Registrar of the High Court of Justice at Bombay and whereas on the same date we also published certain comments on the said letter and whereas it has been pointed out to us that pending certain proceedings in the said High Court in connection with the said letter we were not justified in publishing the said letter or in commenting thereon. Now we do hereby express our regret and apologies to the Honourable the Chief Justice and Judges of the said High Court for the publication of the said letter and the comments thereon.

Encl. X  
LNB  
11/3/22

Satyagrahshram,  
Sabarwadi,  
Nov. 3 '19

Dear Sir,

I beg to acknowledge receipt of your letter to Mr. Gandhi, dated the 31st October and received here to-day, and to say that the same has been forwarded to Mr. Gandhi to Delhi (St. Stephen's College) which is his present address.

Yours faithfully,

M. H. Datta,  
Asst. Editor,  
Young India.

To

The Registrar,  
High Court,  
Bombay.





Y  
LNB  
11/3/22

POSTS & TELEGRAPHS

LAHORE

7 9 48  
DATE HOURS MINUTES

TO

REGISTRAR HIGH COURT  
BOMBAY

LETTER 1ST ULT JUST RECD LAHORE REGRET  
EXPLANATION UNSATISFACTORY AM REFERRING  
MATTER TO COUNSEL HOPE ADDRESS ON  
RECEIPT COUNSEL'S OPINION

GANDHI

(Endorsement on reverse of Exhibit Y)

Submitted to the Hon'ble the  
Chief Justice for information.

Sd/- N. D. GHARDA,  
10-11-22 Ag. Registrar

Fds  
10-11 NDO  
Ag. Regr.



File 2

11/3/22

LNR

No. 2 Mowat Rd.

LAHORE

(Deliv'd 11th December 1919)

Dear Sir,

With reference to your letter regarding the publication of the letter of the District Judge of Ahmedabad in the matter of the Satyagrahi lawyers, I beg to state that I have now consulted legal friends and given much anxious consideration to the suggestion made by His Lordship the Chief Justice. But I regret to state that I find myself unable to publish the suggested apology. The document in question came into

my possession in the ordinary -  
course and being of great public  
importance I decided to publish  
and comment upon it. In doing  
so I performed in my humble  
opinion a useful public duty  
at a time when there was great <sup>tension</sup>  
and when even the judiciary -  
was being affected by the popular  
prejudice. I need hardly say that  
I had no desire whatever to  
prejudge the issues that their  
Lordships had to decide.

I am anxious to assure  
his Lordship the Chief Justice that  
at the time I decided to publish

my possession in the ordinary course and being of great public importance I decided to publish and comment upon it. In doing so I performed in my humble opinion a useful public duty at a time when there was great tension and when even the judiciary was being affected by the popular prejudice. I need hardly say that I had no desire whatsoever to prejudge the issues that their Lordships had to decide.

I am anxious to assure his Lordship the Chief Justice that at the time I decided to publish

3167

George

the document in question. I had  
fully in mind the honour of  
journalism as also the fact that  
I was a member of the Bombay  
Dir and as such expected to be -  
aware of the traditions thereof.  
But thinking of my action in  
the light of what has happened  
I am unable to say that in  
similar circumstances I would  
act differently from what I  
did when I decided to publish  
and comment upon Mr Kennedy's  
letter. Much therefore as I would  
have liked to act upon his  
Lordship's suggestion, I did not.

the document in question, I had fully in mind the honour of journalism as also the fact that I was a member of the Bombay Bar and as such expected to be aware of the traditions thereof. But thinking of my action in the light of what has happened I am unable to say that in similar circumstances I would act differently from what I did when I decided to publish and comment upon Mr. Kennedy's letter. Much therefore as I would have liked to act upon his Lordship's suggestion, I feel that

I could not conscientiously offer any apology for my action. Should this explanation be not considered sufficient by his Lordship I shall respectfully suffer the penalty that their Lordships may be pleased to impose upon me.

I beg to apologise for the delay caused in replying to your letter. I have been touring continuously in the Punjab, and am not likely to be free before the beginning of the next month.

Yours faithfully  
W. J. P. M.



I could not conscientiously offer any apology for my action. Should the explanation be not considered sufficient by his Lordship I shall respectfully suffer the penalty that their Lordships may be pleased to impose upon me.

I beg to apologise for the delay caused in replying to your letter. I have been touring continuously in the Punjab, and am not likely to be free before the beginning of the next month.

Yours faithfully,

M K GANDHI

Ed. AA<sup>1-20</sup>  
1899

3  
1/13/02

1/13

San Francisco,

California,

January 6<sup>th</sup>

Dear Mr. Glavin,

I have just arrived from  
the Pacific & find the rule not served  
on me. I take it you received my letter  
addressed to you from Belli in the matter.  
- The assistant that the order was granted  
about the time I wrote my letter to  
Belli. I observe that I have to appear on  
or after the 21<sup>st</sup> day after the service  
of your writ. The notice was served  
on the 2<sup>nd</sup> instant. Does it mean that  
the matter will not be heard on the 23<sup>rd</sup>  
instant? All I wish to say is that I have

File No. 41

Exh. AA

LNB

11/3/22

Satyagrahasthali

Sehaurah,

January 4, '20

Dear Mr. Gandhi

I have just arrived from the Punjab to find the rule  
has arrived on me. I take it you received my letter addressed  
to you from Delhi in this matter. It is evident that the  
order was granted about the time I wrote my letter from  
Delhi. I observe that I have to appear on or after the 21st  
day after the service of your notice. The notice was served  
on the 2nd instant. Does it mean that the matter will not  
be heard on the 23rd instant? All I wish to say is that I have

not yet finished my work in the Punjab.  
I expect to be in the Punjab about the  
20th instant, and to be there for nearly two  
months. I shall therefore esteem it  
a favour if His Lordship the Chief  
Justice will accommodate me for that  
period.

I may mention to that I do not desire  
to engage Counsel or to offer any defence,  
save for a statement like the one  
embodied in my letter from Delhi  
of 27th December. And I am anxious, too,  
that the date of hearing may not be  
known to the public. Will you therefore

not yet finished my work in the Punjab. I expect to be in the Punjab about the 20th instant, and to be there for nearly two months. I shall therefore esteem it a favour if His Lordship the Chief Justice will accommodate me for that period.

I may mention too that I do not desire to engage Counsel or to offer any defence save for a statement like the one embodied in my letter from Delhi of 11th December. And I am anxious too that the date of hearing may not be known to the public. Will you therefore

3 175 V. S. G.  
Kindly see His Lordship and let me know  
whether a date for the hearing can  
be fixed sometime in April.

I take it that the matter against  
the publisher Mr. Dean will be heard  
the same day as against me.

Yours sincerely  
M. K. Gandhi

File No. 59

Kindly see His Lordship and let me know whether a date for  
the hearing can be fixed sometime in April

I take it that the matter against the publisher Mr. Dean  
will be heard the same day as against me

Yours sincerely,  
M. K. GANDHI

BB  
LNB

11/3/22

REGISTRAR'S OFFICE  
A. S.  
16th January 1922.

Sir,

With reference to your letter of the 4th instant, I am directed to say that so long as adjustment of this matter as you ask for cannot be granted.

The hearing of the case will have to be fixed for some day not later than the 28th February.

Yours faithfully,

(s/c) (illegible)

To

Mohandas Karamchand Gandhi, Esquire,  
Editor, Young India,  
Satyagrah Ashram, Sabarmati

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CC

179

3

4/24/22 12th  
circled 2nd

No 1 175

The Honorable,  
Subcommittee,  
January 11

Dear Sir,

With reference to your letter  
 of the 8th inst. in the circumstances  
 mentioned by you, I shall endeavor  
 to appear before the Court on the  
 24th February with you kindly let  
 the rule down for hearing on that date?  
 It is that the petitioners, Mr. Davis  
 will be dealt with at the same time.  
 Yours faithfully  
 [Signature]



CC

LNB

11/3/32

The Attorney,

Sebernati,

January 11

Dear Sir,

With reference to your letter of the 8th instant, in the circumstances mentioned by you, I shall endeavour to appear before the Court on the 29th February. Will you kindly set the case down for hearing on that date? I take it that the publisher, Mr. Datta will be dealt with at the same time.

Yours faithfully,

M K GANDHI

DD  
LNB  
11/3/22

REGISTRAR'S OFFICE,  
Appellate Side  
13th January 1922

Sir

With reference to your letter of the 11th January, I am directed by the Honourable the Chief Justice to inform you that the hearing of the Rule cannot be taken up on the 25th instant, but that it will be fixed either for the 25th February or the 3rd March according as you may choose. I am to request that you will kindly state which of these two dates you prefer.

Mr. M. H. Datta will be dealt with on the same date as yourself.

Yours faithfully,

(s/c) (Illegible)

To

Mahendra Karamchand Gandhi, Esq.,  
Editor, Young India,  
The Ashram,  
Sataram.

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Exhibit FF  
LMB  
11/3/22

REGISTRAR'S OFFICE,  
Appellate Side,  
Bombay,  
29th January 1929

Dear Sir,

With reference to your letter of the 24th instant, I am directed to inform you that the hearing of the rule against you and Mr. Datta in Criminal Application No. 449 of 1919 has been definitely fixed for the 3rd March 1929.

Yours faithfully,

(s/Agstide)

To

Mohandas Karamchand Gandhi, Esquire,  
Editor, Young India,  
1, Memon Road, Lahore

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GG  
LNB  
11/3/22

D O No 29  
Bombay.  
29th February 1920

Dear Sir,

In continuation of my D O letter No 17 dated the 29th January 1920, I am directed to inform you that the Rule against you and the Publisher of Young India will be taken up at 2 p.m. on the 3rd March 1920

Yours faithfully,

G/c (legible)

To

Mahendro Karamchand Gandhi, Esquire,  
Editor, Young India,  
2, Mowat Road, Lahore

---

W. H. H.

Bel: 44

5

Surgeon General to Dept  
of Justice

27<sup>th</sup> January 1922

9/3/22

Dear Sir,

I enclose herewith the statement  
I wish to read in court at the court on the  
3<sup>rd</sup> proximo, the date fixed for taking the  
Rule that issued against me. I enclose  
also Mr. Mahadev Desai's statement.

Yours faithfully,  
W. H. H.

To  
The Registrar  
High Court  
Bombay

544 HH

LNB

11/3/22

Satyagruh Ashram,  
Sabarmati.

27th February 1929

Dear Sir,

I enclose herewith the statement I wish to read or submit  
to the Court on the 3rd proximo, the date fixed for taking the  
Rule Nin issued against me. I enclose also Mr. Mahadev Desai's  
statement.

Yours faithfully,

M. K. GANDHI.

To

The Registrar,  
High Court,  
Bombay

Box II 3 / 1

28/1/42

11

with reference to the <sup>143/22</sup> Rule 4 case issued against me 3  
 & say to state as follows:—

Before the issue of the Rule certain correspondence  
 passed between the Registrar of the Honourable Court  
 and myself. On the 27<sup>th</sup> December I addressed to the  
 Registrar a letter which sufficiently explained my  
 conduct. I, therefore, attach a copy of the same letter.  
 I regret that I have not found it possible to accept the  
 advice given by the Lordship the Chief Justice.

Moreover, I have been unable to accept the advice  
 because I do not consider that I have committed  
 either a legal or a moral breach by publishing  
 Mr. Kennedy's letter or by commenting on the con-  
 duct thereof.

I am sure that the Honourable Court would not  
 want me to tender an apology unless it be sincere  
 and express regret for an action which I have held  
 to be the privilege and duty of a journalist. I need  
 therefore cheerfully and respectfully accept the  
 punishment and trust that the Honourable Court may be pleased  
 to impose upon me for the vindication of the majesty  
 of law.

I wish to say with reference to the notice served  
 on Mr. Manohar Doshi, the publisher, that he pub-  
 lished it readily upon my request and advice.

Sahyogmal Doshi

Sahyogmal Doshi

27<sup>th</sup> Feb 1942

10/2/42



Feb 11  
LNB  
11/3/22

With reference to the Rule Non issued against me I beg to state as follows :—

Before the issue of the Rule certain correspondence passed between the Registrar of the Honourable Court and myself. On the 15th December I addressed to the Registrar a letter which sufficiently explains my conduct. I, therefore, attach a copy of the same letter. I regret that I have not found it possible to accept the advice given by His Lordship the Chief Justice.

Moreover, I have been unable to accept the advice because I do not consider that I have committed either a legal or a moral breach by publishing Mr. Kennedy's letter or by commenting on the contents thereof.

I am sure that this Honourable Court would not want me to tender an apology unless it be sincere and express regret for an action which I have held to be the privilege and duty of a journalist. I shall therefore cheerfully and respectfully accept the punishment that this Honourable Court may be pleased to impose upon me for the violation of the majesty of law.

I wish to say, with reference to the notice served on Mr. Mahadev Desai, the publisher, that he published it simply upon my request and advice.

Satyagrah Ashram,  
Sabarmati,  
11th Feb. 1922

M. K. GANDHI

13  
LNB  
11/3/22

JUDGMENTS RECORDED BY THE HIGH COURT IN  
CRIMINAL APPLICATION NO. 449 OF 1919

*In re* MOHANDAS KARAMCHAND GANDHI  
AND MAHADEV HARIBHAI DESAI

17th March 1920.

—(COMES MARTEN, HAYWARD AND KAJET JJ.)

*Per Marten J.*—The Respondents Mohandas Karamchand Gandhi and Mahadev Haribhai Desai are the Editor and Publisher respectively of a newspaper called "Young India". They are charged with contempt of Court in publishing in that newspaper on the 6th August 1919 a letter dated the 22nd April 1919 and written by the District Judge of Ahmedabad (Mr. B. C. Keswadi) to the Registrar of this Court, and also with publishing comments on that letter. The gist of the charge is that the letter in question was a private official letter forming part of certain proceedings then pending in this Court, and that the comments which the Respondents made in their newspaper were comments on that pending case.

The facts are not in dispute, and may be stated briefly. The case which I have referred to is *In re J. V. Desai and others* Civil Application No. 681 of 1919, and is reported in 22 Bombay Law Reporter 13. It arose under the Disciplinary Jurisdiction of this Court in consequence of the above letter from the District Judge, whereby he submitted for the determination of this Court the question of the pleaders of the Ahmedabad Court who had signed what is known as the "Satyagraha pledge", whereby they undertook amongst other things "to refuse civilly to obey those laws (viz. the Rowlett Act) and such other laws as a Committee to be hereafter appointed may think fit". The learned District Judge also mentioned the names of two barristers who had signed the pledge. The point was whether that pledge was consistent with their duties as advocates and pleaders. The result of that letter was that notices were issued by this Court on the 12th July 1919 against the advocates and pleaders in question, and it was eventually held on the 15th October 1919 by a

Panel of this Court consisting of my Lord the Chief Justice and Mr. Justice Hutton and Mr. Justice Rugg that the Satyagraha pledge which these advocates and pleaders had taken was not consistent with the performance of their duties as such to the Court and the public.

Meanwhile, viz. on the 6th August 1919 the present Respondents had published the letter in question in "Young India", and made there the comments complained of. They had obtained the letter in this way. For the purposes of the defense to the charge, a copy of the District Judge's letter had been supplied by the High Court to Jwanda V. Desai, one of the pleaders in question. He gave a copy to another respondent Kaldas J. Jhaveri, and the latter handed it to the Editor of "Young India", who is reputed to be the author of the Satyagraha pledge. For his conduct in so doing, Mr. Kaldas J. Jhaveri was severely reprimanded by the Chief Justice and Mr. Justice Hutton on the 16th November 1919. (See *Re Kaldas J. Jhaveri*, 22 Bom. L.R. 311).

I may now turn to the newspaper itself. On page 1 under the heading "O'Dwyerses in Ahmedabad", the District Judge's letter to this Court is set out in full. On page 2 there is a leading article headed "Shaking Civil Disobedience". We have read the whole of it and I need only refer to some of its more salient features. At the outset, it mentions an alleged declaration by Sir Michael O'Dwyer of his intention of taking note of the Anti-Rowlatt legislation agitation and passive resistance demonstration before there was any disturbance of the peace. It then states that Sir Michael had succeeded to an eminent degree in disturbing the peace in the Punjab and that "the O'Dwyerses spirit" had travelled to Burma. Then follows a comment on the local Government there. The article then proceeds to say that an echo of the spirit is heard nearer Bombay, and mentions the above High Court notice to the Ahmedabad lawyers, and that it was prompted by the above letter from the District Judge and that it seems to be clear what action will be taken by the High Court when the case is argued before it. The article then states that the District Judge has prejudged the issues—that he has made an important suggestion which is then quoted—that the adjective "unpatriotic" is used adversely—that his imputation would be unjustifiably in a stranger and is unpardonable in his case. The article then suggests that the last paragraph of the letter means that the two barristers would be charged and convicted by the special Bench, and that it was not the fault of the District Judge that they had not been so

charged, and that the District Judge had made up his mind that they had committed a criminal breach of the law of the land. Thus in the concluding portion, the article states that these instigators of civil resistance and civil resisters are becoming the instruments for propagating Bobbism, i.e. the spirit of lawlessness accompanied with violence, and that the Government of Burma, the Government of the Punjab and the District Judge of Ahmedabad are all in their own way endeavouring forcibly to impose their will upon civil resisters, but that those who are trying to crush the spirit of civil resistance are but fanning the fire of Bobbism. It will be noticed that this article shows on the face of it that the proceedings were their sub judice and that it nowhere mentions Mr. Kennedy's name, but refers to him throughout as the District Judge of Ahmedabad.

After the proceedings against the pleaders had been disposed of, the Editor of Young India was asked on the 18th October 1919 to give an explanation regarding the publication of the letter and the above comments. Certain correspondence thereupon passed between him and the Registrar of this Court acting under the directions of the Chief Justice. We have read all this correspondence, and I need not repeat it in full. In his letter of the 22nd October, the Respondent Gandhi wrote - "In my humble opinion I was within the rights of a journalist in publishing the letter in question and making comments thereon. I believed the letter to be of great public importance and one that called for public criticism."

The reply of the 31st October was that this could not be regarded as a satisfactory explanation, but that the Chief Justice was willing to concede that the Editor was unaware that he was exceeding the privilege of a journalist, provided he would publish in Young India an apology in the form therewith enclosed.

On the 7th November the Respondent Gandhi telegraphed that he was referring the matter to Council.

On the 11th December, the Acting Advocate General initiated the present proceedings by applying for a Rule Nisi against the Respondents. This application was granted by Mr. Justice Shah and Mr. Justice Crompton on that day, but the Rule itself was not actually issued till the 19th December, and it bears the latter date. Meanwhile a further letter dated the 11th December had been received from the Respondent Gandhi. The writer expressed his inability to publish

the suggested apology, and stated that in publishing and commenting on the letter, he had performed a useful public duty at a time when there was great tension and when even the Judiciary was being affected by the popular prejudice. But that he had had no desire whatsoever to prejudice the issues which their Lordships had had to decide. Then after referring to the honour of journalists and to his membership of the Bombay Bar and its traditions, the writer stated that in similar circumstances he would not act differently, and that he could not conscientiously offer any apology, and that if that explanation was not considered sufficient, he would respectfully suffer the penalty.

Subsequently, at the Respondents' request, the hearing of the Rule was postponed, and on the 17th February 1920 they made the following statements. The Respondent Gandhi stated:—

"With reference to the Rule Nos issued against me I beg to state as follows:—

"Before the issue of the Rule certain correspondence passed between the Registrar of the Honourable Court and myself. On the 11th December I addressed to the Registrar a letter which sufficiently explains my conduct. I, therefore, attach a copy of the same letter. I regret that I have not found it possible to accept the advice given by His Lordship the Chief Justice. Moreover, I have been unable to accept the advice because I do not consider that I have committed either a legal or a moral breach by publishing Mr. Kennedy's letter or by commenting on the contents thereof."

"I am sure that this Honourable Court would not want me to tender an apology unless it be sincere and express regret for an action which I have held to be the privilege and duty of a journalist. I shall therefore cheerfully and respectfully accept the punishment that this Honourable Court may be pleased to impose upon me for the violation of the majority of law."

"I wish to say, with reference to the notice served on Mr. Mahadeo Dadas, the publisher, that he published it simply upon my request and advice."

The Respondent Devisi stated -

"With reference to the Rule Nisi served upon me, I beg to state that I have read the statement made by the Editor of Young India and associate myself with the reasoning adopted by him in justification of his action." I shall therefore cheerfully and respectfully abide by any penalty that the Honourable Court may be pleased to inflict on me."

At the hearing before us, both the Respondents appeared in person. The Respondent Gandhi stated (inter alia) that he did not want to go beyond the above statements already made by him - that he would accept any ruling of law laid down by this Court, and that while submitting he had not committed any contempt of Court, he did not want to argue the point. The Respondent Devisi stated that he associated himself with his co-respondent.

As to the general principles of law to be applied to this case, there can I think be no doubt. Speaking generally, it is not permissible to publish comments on or extracts from any pending proceedings in this Court, unless the leave of the Court be first obtained. Many good reasons may be advanced for this - but the underlying principle as I think that of the due administration of justice for the public benefit, one incident of which demands that as a matter of common fairness, both parties shall be heard at the same time and in the presence of each other on proper evidence by an independent and unprejudiced tribunal. That object would be frustrated if newspapers were free to comment on or to make extracts from proceedings which were still *sub judice*. It matters not whether these comments and extracts favour Prosecutor or Accused, Plaintiff or Defendant. The vice is the interference with what is the Court's duty and not a newspaper's *vis*., the decision of the pending case.

In *R. vs. Parker* 1903, 2 K B 432, Mr Justice Wills in delivering the judgment of the Court like other members of which were Lord Alverstone and Mr Justice Channell said at pp 436-7 as follows:

"The reason why the publication of articles like those with which we have to deal is treated as a contempt of Court is because their tendency and sometimes their object is to deprive the Court of the power of doing that which is the end for which it exists, *viz.*, to administer justice duly impartially and

with reference solely to the facts brought before it. Their tendency is to reduce the Court which has to try the case to impotence so far as the effectual elimination of prejudice and prepossession is concerned. It is difficult to conceive an apter description of such conduct than is conveyed by the expression Contempt of Court".

In *R. vs. Bower* 1906 1 K.B. 32, Mr Justice Wills again delivered the judgment of the Court. At page 40 the learned Judge says: "What then is the principle which is the root of and underlies the cases in which persons have been punished for attacks upon the Courts and interference with the due execution of their orders? It will be found to be not the purpose of protecting either the Court as a whole or the individual Judges of the Court from a repetition of them but of protecting the public, and especially those who either voluntarily or by compulsion are subject to its jurisdiction from the mischief they will suffer if the authority of that tribunal be undermined or impaired." Lower down on the same page, the learned Judge refers with approval to an undisturbed judgment of Willes C.J. in 1763 which showed that "the real offence is the wrong done to the public by weakening the authority and influence of a tribunal which exists for their good alone."

So, too, in *Holmes vs. South*, 35 C.D. 448 at p. 455 Lord Justice Borea says: "The object of the discipline enforced by the Court in case of contempt of Court is not to vindicate the dignity of the Court or the person of the Judge but to prevent undue interference with the administration of justice".

In *R. vs. Gray*, 1906, 2 Q.B. 36 Lord Russell of Killowen, in speaking of one class of contempt, said at p. 40: "Any act done or writing published calculated to obstruct or interfere with the due course of justice or the lawful process of the Court is a contempt of Court." Within that class fall comments on pending proceedings, and also I think premature publication of documents. Earlier in the same page the Lord Chief Justice had dealt with another class of contempt which he thus describes: "Any act done or writing published calculated to bring a Court or a Judge of the Court into contempt or to lower his authority is a contempt of Court." Within this class comes personal scurrilous abuse of a Judge as a Judge, which was the case the Court there had to deal with. It was this class of contempt which Lord Hardwick characterised in 1792 as

"Scandalizing a Court or a Judge." Speaking for myself I do not think that the expression is a happy one as it is open to misconstruction, and I doubt whether it is much used by modern lawyers. At any rate I personally prefer Lord Russell's own description of this particular class of contempt.

It makes no difference I think that the alleged abuse here was of a District and not of a High Court Judge. *R. vs. Davies*, 1906, 1 K. B. 32 shows that in England the High Court has power to protect the Courts of inferior jurisdiction and that in a proper case it should do so. I think the same power exists in India and that subject to the precautions which Lord Russell mentions on p. 40 & 41 the Court should extend its protection to all Courts in the Mofussil over which it exercises supervision.

As regards the premature publication of documents, the law is thus stated in *Osmond on Contempt*, 3rd Edition, p. 95: "Printing even without comment and circulating the brief, pleadings, petitions or evidence of one side only is a contempt."

So too, in *Halsbury's Laws of England* Vol. 7, p. 281, it is stated: "It is a contempt to publish copies of the pleadings or evidence in a cause while proceedings are pending." For these propositions, cases beginning from 1754 are cited, and they include instances of affidavits, winding-up petitions and statements of claim which later correspond to plaints in this country. One can easily see the evils which would arise if it were permissible to publish a plaint containing blunt charges of fraud against some respectable man before he could even put in his answer, and long before the charges could be judicially determined.

I may refer to one more case not because it lays down any new law, but because it brings the English authorities down to date, and illustrates the restrictions imposed there on the liberty of the press, which, as pointed out by Lord Russell in *R. vs. Carr* 1900 2 Q. B. 36 at p. 40, is in these matters "no greater and no less than the liberty of every subject of the King." The case is *Rex vs. Express Newspapers Limited* and is reported in the London "Times" of 26th January 1930 and was heard by the Lord Chief Justice of England and Mr. Justice Avery and Mr. Justice Sankey. There the newspaper had commented on a pending railway case but did not attempt to justify its action in so doing, and the proprietor and editor expressed



their deepest regret and contrition to the Court. In delivering judgment the Earl of Bessborough said: "The Court could not permit the investigation of murder to be taken out of the hands of the proper authorities and to be carried on by newspapers. The liberty of the individual even when he was suspected of crime and indeed even more so when he was charged with crime must be protected, and it was the function of that Court to prevent the publication of articles which were likely to cause prejudice. The only doubt in the case was whether the Court ought to commit the editor to prison. The Court had come to the conclusion that in the circumstances it must mark its sense of the offence committed which was an offence both by the proprietors and editor by imposing a fine of £1,000."

The principles of law thus being clear, how ought they to be applied to the facts of this particular case? In my judgment those principles prohibited the publication of the District Judge's letter pending the hearing of the motions moved by the High Court. It was contended by the Respondent Gandhi that that letter was written by Mr. Kennedy in his private capacity, and not as District Judge. I think that contention is erroneous. The letter is an official letter written by the District Judge in the exercise of his duties as such, and submitting the case to the High Court for orders. As my Brother Haywood has pointed out to me, the letter follows the procedure laid down in the Civil Circulars of this Court in cases of alleged misconduct by a pleader (See p. 259). It very properly sets out what the learned Judge considers to be the facts both for and against the pleaders, and gives his reasons for bringing the matter before the High Court. Indeed if he had not done so, he would presumably have been asked by the High Court for further particulars before they took any action. The letter is on lines quite familiar to this Court in other cases where the Sessions Judge in the exercise of his duties as such brings some matter before this Court with a view to the exercise of its exceptional powers. I may instance criminal references where the Sessions Judge, for the reasons given in his official letter recommends the revision of some illegal or inadequate sentence which has been passed by a Subordinate Court, and which the High Court alone can alter in certain contingencies. If in the present case the District Judge's letter contained any statements which the Respondent pleaders or barristers contended were inaccurate, that would be a matter for decision at the hearing of the motions, when all they had to say would be fully considered.

But even if the letter was written by Mr. Kennedy in his private capacity, I do not think it would make any substantial difference as regards mere publication. The letter would still form part and a most important part of the pending proceedings and the record thereof and I do not think that any substantial difference can be drawn between it and the other classes of documents mentioned in the authorities cited in *Oswald* and in *Halsbury* to which I have already referred.

In my judgment, therefore, the publication of this letter was a contempt of Court.

This brings me to the comments made in the newspaper, including the heading "O'Dwyerism in Alrodschad" under which the letter was published. These comments are not only comments on pending proceedings, but are of a particularly unseemly and reprehensible character. They prejudge the case and tend to undermine any decision which the High Court may come to at the trial. They also amount in my opinion to what Lord Russell describes as "Scandalous abuse of the Judge as such." In this latter connection, the question whether the letter was written by Mr. Kennedy in his private or in his judicial capacity becomes material, but as I have already stated it was in my judgment written in his judicial capacity.

Accordingly, on the authorities which I have already referred to, these comments are clearly a contempt of Court and come within both the classes to which Lord Russell refers, and in my judgment they constitute a serious contempt of Court.

We have carefully considered the various statements made by the Respondents, and invited them at the hearing to give any intelligible explanation or excuse for their conduct. None such was forthcoming. In his letter of the 15th December 1919 the Respondent Gaultle contends that in publishing and commenting on the letter he performed a social public duty at a time when there was great tension and when even the judiciary was being affected by the popular prejudice. Common sense would answer that if that tension and popular prejudice existed, it would be increased rather than diminished by abuse of the local Judge, and that that could not be the public duty of any good citizen.

But there would seem to be some strange misconceptions in the minds of the Respondents as to the legitimate liberties of a journalist. Otherwise the Respondent Gandhi could hardly have contended before us—as he in fact did—that if a son brought a suit against a father, and if a journalist thought that the son's action was wrong, the journalist would be justified in holding the son up to public ridicule in the public press, notwithstanding that the son was still undetained. I need hardly say that this contention is quite erroneous. It may however be that principles which are quite familiar in England are imperfectly known or understood in India, and that the Respondents have paid more attention to the liberty of the Press than to the duties which accompany that and every other liberty.

This has much weighed with me in considering what order the Court ought to pass in this case. We have large powers and in appropriate cases can commit offenders to prison for such period as we think fit and can impose fines of such amount as we may judge right. But just as our powers are large, so ought we I think to use them with discretion and with moderation, remembering that the only object we have in view is to enforce the due administration of justice for the public benefit.

In the present case, the Court has very seriously considered whether it ought not to impose a substantial fine on one, if not both, of the Respondents. But on the whole, I think it sufficient for the Court to state the law in terms which I hope will leave no room for doubt in the future, and to confine our order to severely reprimanding the Respondents and cautioning them both as to their future conduct. That accordingly is the order I think we should pass in the present case.

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*Mr. Maynard J.*—I concur. A contempt of Court was in my opinion committed in the mere publication of the letter of Mr. Kennedy before the trial of the matter by the Court. It might not have been ruled but the reason for the rule has been explained by my Brother Martin and shown to rest on numerous precedents quoted under para 615 at page 287 of Vol. VIII of Halsbury's Laws of England.

A contempt of Court of a more serious nature was in my opinion committed in commenting in the particular manner on that letter.

It amounted clearly to "Sundelising" Mr. Kennedy as District Judge within the dicta of Lord Hardwick quoted by Lord Russell in *R. vs. Greer* (1900, 2 Q.B. 36 at p. 40). It was Mr. Kennedy's duty according to established practice to report the matter in question as District Judge for the orders of the High Court. It was in my opinion his duty under the general powers of superintendence vested in him, as District Judge under Section 9 of the Bombay Civil Courts Act, 1860 and the duty was moreover expressly prescribed as follows: "The Judge who notices the misconduct of the pleader should charge the pleader therewith and, after such preliminary enquiry as he may think fit to make, should write to the Registrar requesting him to lay the charge before the Honourable the Chief Justice and Judges who, if necessary, will call on the pleader for any further explanation he may wish to make. The Judges will then consider the whole matter in Chambers; after which the matter will be determined by a Chamber Resolution or, where necessary, by formal proceedings in Court" (para 14 of Chapter XVIII at page 259 of the Civil Circular Manual of the High Court). It has therefore become our duty to protect the proceedings of the District Judge under the powers shown by the precedents of *R. vs. Fowler* (1900 2 K.B. 430) and *R. vs. Davies* (1906 1 K.B. 32) to be vested in us as Judges of the High Court.

A contempt of Court of an even more serious nature was in my opinion further committed in that the comments tended to interfere with a fair trial and to prejudice public justice. They tended to substitute what has been termed a newspaper trial for the regular proceedings before the established tribunal, the High Court. The precedents for this position include those already quoted as well as the later cases of *Hoggan vs. Richards* (1912, 28 T.L.R. 300) and *R. vs. Empire News Ltd.* (London "Times" of 26th January 1926 quoted by Brother Martin. The respondents have not denied the facts nor seriously disputed the law. They have expressed their readiness in their replies to submit to whatever punishment might be imposed on them for what they have termed "the vindication of the majesty of the law" by the High Court.

It is difficult to appreciate the position taken up by the respondents. They have expressed their inability to apologise formally but have at the same time represented their readiness to submit to any punishment meted out to them. It is probable that the Editor the Respondent Gandhi did not realise that he was breaking the law

and there would be no doubt, if that were so, that it was not intended by his publisher the respondent Deane. The respondents seem to have posed not as law-breakers but rather as passive resisters of the law. It would therefore be sufficient in my opinion to enunciate unmistakably for them the law in these matters, to severely reprimand them for their proceedings and to warn them of the penalties applicable by the High Court.

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*Per Kaye J —I concur.*

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The order of the Court will therefore be: "The Court finds the charges proved, it severely reprimands the Respondents and cautions them both as to their future conduct".

By the Court,  
Sd/-  
Deputy Registrar

---

EXHIBIT NO. 3

*Deposition of Witness No. 3 for the prosecution*

I do hereby on solemn affirmation state that—

My name is	George Ernie Chatfield	Father's name
Religion	Christian	Caste
Age about	46	Occupation Collector & District Magistrate Ahmedabad
Residence	Shahibagh	District

*Examination-in Chief To Mr. Goddard Public Prosecutor*

I have been D. M. Ahmedabad from May 1917 to July 1920, and now from last October to the present date

In 1919 I received a letter from Mr. Gandhi Exh. KK. It is concerned with the security to be taken from Young India and is dated the Fourth Oct. He speaks of Young India as a "paper whose policy I am permitted security to control" I recognise Mr. Gandhi's signature

I produce a declaration made before me on Sept. 4th, 1919 by one No. 2 as the printer of Young India Exh. LL

I made a note dated Oct. 4th Exh. KK to the effect that security was dispensed with on the understanding that I should be informed if Mr. Gandhi started his Satyagraha campaign

I examine Exhibits U, Z, AA, CC, EE, HH and II and recognize on each the signature of Mr. Gault. I was in the habit of corresponding with him, and know his signature.

I received an order from Galt dated the 7th appointing Mr. Brown, Additional District Magistrate, Edh MB.

*No cross examination*

\_\_\_\_\_  
L. N. BROWN

Edw K.K.

1912

Safepark Station.

1st Nov

10 October 1912

11 | 3 | 12

Dear Mr Chatfield,

Macdon Bantier and I have  
have described to me the of the  
situation they had with over  
your position in the demand from  
the United Nations and 'Young  
India'. I have this

decision you will in world be  
a chief of the Union but a strict  
sense of the law. Now have I this  
idea to see if I special



Edw KK

LNB

11/3/22

Satyagrahsevan,

Subarnadi,

4th October 1919

Dear Mr. Chaffield,

Messrs. Banker and Datta have described to me the whole of the discussion they had with you over your proposal to demand security regarding 'Navajvan' and 'Young India'. I know that whatever decision you will give would be actuated by nothing but a strict sense of duty. Nor have I the slightest desire to ask any special

enemies. People, however, like to  
 feel that we might be for you. Really,  
 and I want to think, the Government  
 consider that my acts are not  
 actuated by any enmity to the latter,  
 and if I find myself in opposition  
 to many measures of the latter, it is  
 because I want what I consider  
 to be the wrong to be righted. Long  
 Security, therefore, taken in connection  
 with newspapers whose policy I am  
 permitted entirely to control will  
 create strong feeling amongst the people

exceptions. I would, however, like to put just one thought before you. People and, I venture to think, the Government consider that my acts are not actuated by any animosity to the latter, and if I find myself in opposition to many measures of the latter, it is because I want what I consider to be the wrong to be righted. Any security, therefore, taken in connection with newspapers whose policy I am permitted entirely to control will create strong feeling amongst the people.

and therefore diminished to that extent  
the prestige of the Government. If you  
agree with me in the views submitted  
by me, I would ask you not  
to impose any security. But if  
you do impose it as I have already  
said, I shall not misunderstand  
your action. And if you do and  
if you can't see your way, I would  
like you to give your grounds  
for imposing security. I may add  
that when security was imposed upon  
Nawanjivan only recently I wrote to His

His, No. 22

and therefore diminish to that extent the prestige of the Government. If you agree with me in the views submitted by me, I would ask you not to impose any security. But if you do impose it as I have already said, I shall not misunderstand your action. And if you do and if you could see your way, I would like you to give your grounds for imposing security. I may add that when security was imposed upon Nova Jews only recently I wrote to His

Excellency almost in the same place  
as above and the ... is still  
suffering his ...

Yours Sincerely  
W. C. C. C.

Security was discussed with  
on the understanding that  
I should be covered if I should  
be in the campaign. He had  
case ... will be taken

Yours. 4/10/17.

Excellency almost in the same vein as above and the matter  
is still engaging his attention

Yours Sincerely,  
M. K. GANDHI

Security was disposed with on the understanding that I  
shd be warned if G. starts his Sat. campaign. In that case sec  
will be taken

4/10/19

84/- GEC

Exh. LL

LMB

11/3/22

કે મહાશય શામળાલ મેતા, બેંગલોર શિક્ષક, કુલપતિ, કે હવે  
અમદાવાદ (મિયાનગર) ને આ જગ્યાએ શિક્ષક તરીકે કે જે "યંગ  
ઇન્ડિયા" અર્જુનપત્રનો અધ્યક્ષ છે, અને એ અર્જુનપત્ર નામ  
"અમદાવાદ પ્રજાપત્ર"ના અધિકારી નથી, કુલેશ્વરનામ અધ્યક્ષ કે

અમદાવાદ

અર્થે મહાશય શામળાલ મેતા.

૪-૬-૧૯

સિદ્ધાંત મેતાજી,

અમદાવાદ શિક્ષક

Before me

G E Chatfield,  
District Magistrate

*(Translation of the above)*

Exh. LL

LMB

11/3/22

I Shankarlal Ghelabhai Basker, residing at Chowpaty, Bombay,  
at present (Mayapary) Ahmedabad, hereby solemnly declare that I  
am printer of the "Young India" news paper and the said news paper  
is printed at my 'Nanyavan Printing Press' at Pankar Naka, Chud  
Gul

Ahmedabad.

4/9/19

Shankarlal Ghelabhai  
Basker

Before me,

SEAL OF DISTRICT  
MAGISTRATE OF  
AHMEDABAD

G E Chatfield,  
District Magistrate



Estt MM.  
LNB  
11/3/22

No S 40-2/63,  
HOME DEPARTMENT,  
Secretariat, Fort, Bombay,  
7th March 1922

*Notification*

The Governor in Council is pleased to appoint Mr L. N. Brown, I C S, Personal Assistant to the District Magistrate, Ahmedabad, under clause 2 to section 10 of the Code of Criminal Procedure, 1908, to be an Additional District Magistrate in the District of Ahmedabad for a period not exceeding six months, and to invest him with all the powers of a District Magistrate for that period.

By order of the Honourable the Governor in Council,

J. CRERAR,  
Secretary to the Government of Bombay,  
Home Department.

Copies forwarded with compliments for information to :—

The Commissioner, Northern Division, in continuation of  
Government telegram No S D-736, dated this day.

The District Magistrate, Ahmedabad

The Legal Department,

The Home Department (Political)

EXHIBIT NO. 4

*Deposition of Witness No. 4 for the Prosecution*

I do hereby on solemn affirmation state that —

My name is Gajendra	Father's name	Kashar Pathak
Religion H	Caste	Brhman
Age about 36	Occupation	SI Intelligence Branch
Residence Ahmedabad	District	

---

*Examination-in Chief To Mr. Griffiths*

I have been SI in the intelligence branch since Jan 1926. As such I got for certain newspapers, among others Young India Head Constable Jethalal or in his absence any other Head Constable brought me the papers. He got them from boys selling in the bazaar. I kept a file of them. I sent them to my superiors. I supplied to the D.S.P. the copies produced in this case.

*Cross examination* — None

11/3/32

L. N. BROWN,  
Additional D.M.

---

EXHIBIT NO 3

*Deposition of Witness No 3 for the Prosecution*

I do hereby on solemn affirmation state that—

My name is	Jethalal Vahel	Father's name	
Religion	H	Caste	Brakman
Age about	40	Occupation	Head Constable CID
Residence	Almudabul	District	

*Examination-in Chief.*

I have been in the intelligence branch for 14 years

I buy newspapers. I have bought "Young India" as it came out in the bazaar from whoever was selling it

I give the copies to S I Phatak

11/3/22

L N BROWN,  
A D M

502

NO. 10,000-1-10-100-1

EXHIBIT

No. 6

Case No. \_\_\_\_\_ of the Criminal Session for 19 \_\_\_\_\_

STATEMENT OF THE ACCUSED.

I state as follows:-

My name is Behanoo

My father's name is Karsachand Bhandi

My age is about 52 years.

I am by caste Hindu Bhoj.

My occupation is planter and weaver.

I am an inhabitant of the village Behanoothi

Q The evidence has been given in your hearing, do you wish to make any remarks about it.

A I only want to state that when the prosecution comes I shall plead "guilty" as far as disaffection towards Government is concerned. It is true that I am the editor of Young India that the articles read in my presence were written by me and that the proprietors and publishers permitted me to control the whole of the policy of the paper. That is all.

11/3/22

*Behanoo*  
and D.R.  
*Mussey and Co.*

Page No. 10

CASE NO. OF THE CRIMINAL REGISTER FOR 19

*Statement of the Accused*

I state as follows:—

My name is Mohandas

My father's name is Karamchand Gandhi

My age is about 53 years;

I am by caste Hindu Baniya

My occupation is farmer and weaver

I am an inhabitant of the Ashram Sabaram

Q The evidence has been given in your hearing. Do you wish to make any remarks about it?

A I only want to state that when the proper time comes I shall plead "guilty" so far as disaffection towards Government is concerned. It is true that I am the editor of Young India that the articles read in my presence were written by me and that the proprietors and publishers permitted me to control the whole of the policy of the paper. That is all.

11/1/22

L. N. BROWN,

Adv. D.M.

M. K. GANDHI









જા. ૨- તમારે મારફતે જીવન જાવજી છે

જા. ૩- નહી.

જા. ૪- કોઈના કોઈ કોઈના કોઈ મારફતે જીવન જાવજી છે.

જા. ૫- નહી.

જા. ૬- ૧૧-૩-૧૨.

મર્મી -

મર્મી. ૧૧. ૧૨/૧૨/૨૨

EXHIBIT NO. 7.

*Statement of the accused.*

I state that—

My name is Shantkarlal	Father's name Ghelabhai Bantker
Religion	Caste Hindu Banya
Age about 32	Occupation landed proprietor
Residence Chawpatty Bombay	District

---

Q Do you wish to make any remarks about the evidence given in your hearing ?

A Nothing except that when the proper time comes I shall plead guilty to having printed the articles referred to

Q Do you wish to say any more

A No

11/3/22

L. N. BROWN,  
Att. D. M.

Shantkarlal Ghelabhai Bantker

*Publisher's note*

[Exs 8 & 9 are the chargebooks against Gordhij and Shankarlal Chetabhai Beker and they are exhibited as Exhibits 1 & 2 respectively in the Sessions trial.]

NO. 10

IN THE COURT OF THE ADDITIONAL DISTRICT  
MAGISTRATE, AHMEDABAD

Ans No 1 replies that he does not wish to call any defence witnesses and that he has no objection if the trial in the Sessions Court is proceeded with without delay.

Ans No. 2 replies that he does not wish to call any defence witnesses and has no objection if the Sessions Court takes up the case at once.

11/3/22

L. N. BROWN,  
A.D.M.

---

15  
The Court of the Additional District Magistrate, Ahmedabad,

Order no E.V. 6045 and E.V. 6046  
of 1944 A. I.C.C.

Order under s. 313

The above order have been accepted with gratifying and like by  
H.M. Justice who has published in "Young India" of whom  
and no 1 is the ed. no. and no 2 is the printer. They have  
stated that it is their intention to print and to the  
change at the proper time.

I have therefore no alternative but to commit them to  
the Court of Sessions for trial, the offence appearing in  
connection for me to dispose of the same myself.

*L. H. B. B.*

Additional District Magistrate  
Ahmedabad

11/1/44



IN THE COURT OF  
THE ADDITIONAL DISTRICT MAGISTRATE, AHMEDABAD

Crown vs M. K. Gandhi and S. G. Banker

s. 124 A, IPC

*Order under s. 213*

The accused have been charged with promoting sedition by certain articles published in "Young India" of which acc No. 1 is the editor and acc No. 2 the printer. They have stated that it is their intention to plead guilty to the charge at the proper time.

I have therefore no alternative but to commit them to the Court of Sessions for trial, the offences appearing too serious for me to dispose of the case myself.

11/3/32

L. N. BROWN,  
Additional District Magistrate,  
Ahmedabad

SEAL OF THE  
DISTRICT MAGISTRATE

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### PART III



Block prepared from a sketch drawn by the Artist Ravenshanker  
M. Raval Esq., at the time of the trial.

*By the courtesy of—  
Ravenshanker M. Raval Esq.*



Form of the diary  
of the proceedings  
in Trials before the  
Courts of Sessions  
[Vol. Cx. No. 4831]

# CASE NO. 45 OF THE CRIM. REGISTER FOR THE YEAR 1932

At a Court of Criminal Sessions held at Ahmedabad before R. S. Broomfield, Esquire, Sessions Judge, on the 18th March 1932, the following accused persons:—

No.	Name	Age	Caste	Occupation	Residence
1.	Mohandas Karanchand Gadhvi	53	Hindu Bania	Farmer & Weaver	Ashram Subarnash
2.	Shankarlal Ghalebhai Banker	32	Hindu Bania	Landed Proprietor	Chowpatty Bambay

committed for trial by L. N. Brown, Esquire, Additional District Magistrate of Ahmedabad placed at the bar & stand charged as follows:

That you Mohandas Karanchand Gadhvi being the editor of the paper "Young India" on or about the 29th day of September 1931, the 15th day of December 1931, and the 23rd day of February 1932, at Ahmedabad did write the words contained in the appendix to this charge and by these written words did bring or attempt to bring into hatred or contempt or did excite or did attempt to excite disaffection towards His Majesty or the Government established by law in British India, and

You Shankarlal Ghalebhai Banker being the printer of the paper "Young India" on or about the 29th day of September 1931, the 15th day of December 1931, and the 23rd day of February 1932, at Ahmedabad did print the words contained in the appendix to this charge and by these written words did bring or attempt to bring into hatred or contempt or did excite or attempted to excite disaffection towards His Majesty or the Government established by law in British India, and thereby you committed offences punishable under section 124A of the Indian Penal Code and within the cognizance of this Court

*Appeals to change.*

*Words published on September 29th 1921.*

## **TAMPERING WITH LOYALTY**

**BY M. K. GANDHI**

HIS Excellency the Governor of Bombay had warned the public some time ago, that he 'meant business', that he was no longer going to tolerate the speeches that were being made. In his note on the Ah Brothers and others he has made clear his meaning. The Ah Brothers are to be charged with having tampered with the loyalty of the sepoys and with having uttered sedition. I must confess, that I was not prepared for the revelation of such hopeless ignorance on the part of the Governor of Bombay. It is evident that he has not followed the course of Indian History during the past twelve months. He evidently does not know, that the National Congress began to tamper with the loyalty of the sepoys in September last year, that the Central Khilafat Committee began it earlier still, for I must be permitted to take the credit or the odium of suggesting, that India had a right openly to tell the sepoys and every one who served the Government in any capacity whatsoever, that he participated in the wrongs done by the Government. The Conference at Karachi merely repeated the Congress declaration in terms of Islam. Only a Mussulman divine can speak for Islam, but speaking for Hinduism and speaking for nationalism I have no hesitance in saying, that it is sinful for any one, either as soldier or civilian, to serve this Government which has proved treacherous to the Mussulmans of India and which has been guilty of the inhumanities of the Punjab. I have said this from many a platform in the presence of the sepoys. And if I have not asked individual sepoys to come out, it has not been due to want of will but of ability to support them. I have not hesitated to tell the sepoys, that if he could leave the service and support himself without the Congress or the Khilafat aid, he should leave at once. And I promise, that as soon as the spinning wheel finds an abiding place in every home and Indians begin to feel that wearing gowns anybody any day is honourable livelihood, I shall not hesitate, at the peril of being shot, to ask the Indian sepoy individually to leave his service and become a weaver. For, has not the sepoy been used to hold India under subjection, has he not been used to murder innocent people at Jhansiwala Bagh, has he not been used to drive

away innocent men, women and children during that dreadful night at Chaurpaur, has he not been used to subjugate the proud Arab of Mesopotamia, has he not been utilized to crush the Egyptian? How can any Indian having a spark of humanity in him and any Mussalman having any pride in his religion feel otherwise than as the Ah Brothers have done? The sepoy has been used more often as a hired assassin than as a soldier defending the liberty or the honour of the weak and the helpless. The Governor has pondered in the breast in us by telling us what would have happened in Malabar but for the British soldier or sepoy. I venture to inform His Excellency, that Malabar Hindus would have fared better without the British bayonet, that Hindus and Mussalman would have jointly oppressed the Moghals, that possibly there being no Khilafat question there would have been no Moghul riot at all, that at the worst supposing that Mussalman had made common cause with the Moghals, Hindus would have relied upon its creed of non-violence and turned every Mussalman into a friend, or Hindu valour would have been tested and tried. The Governor of Bombay has done a disservice to himself and his cause (whatever it might be), by fomenting Hindu Muslim dissension, and has mistreated the Hindus by letting them infer from his note, that Hindus are helpless creatures unable to die for or defend their hearth, home or religion. If however the Governor is right in his assumptions, the sooner the Hindus die out, the better for humanity. But let me remind His Excellency, that he has pronounced the gravest condemnation upon British rule, in that it finds Indians to-day devoid of enough manliness to defend themselves against invaders, whether they are Moghul Mussalman or infuriated Hindus of Arrah.

His Excellency's reference to the solution of the Ah Brothers is only less unpardonable than his reference to the tempering. For he must know, that solution has become the creed of the Congress. Every non-co-operator is pledged to preach dissention towards the Government established by Law. Non-co-operation, though a religious and strictly moral movement, deliberately aims at the overthrow of the Government, and is therefore legally seditious in terms of the Indian Penal Code. But that is no new discovery. Lord Chalmersford knew it. Lord Reading knew it. It is unthinkable that the Governor of Bombay does not know it. It was common cause that so long as the movement remained non-violent, nothing would be done to interfere with it. But it may be urged, that Government has a right

to change its policy when it finds, that the movement is really threatening its very existence as a system. I do not deny its right I object to the Government now, because it is so wicked as to let the unknowing public, think, that tampering with the loyalty of the sepoy and sedition were fresh crimes committed by the Ah Brothers and brought for the first time to His Excellency's notice.

However the duty of the Congress and Khilafat workers is clear. We wait for no quarter. we expect none from the Government. We did not select the promise of amnesty from prison so long as we remained non-violent. We may not now complain if we are imprisoned for sedition. Therefore our self respect and our pledge require us to remain calm, unperturbed and non-violent. We have our appointed course to follow. We must reiterate from a thousand platforms the formula of the Ah Brothers regarding the sepoys, and we must spread disaffection openly and systematically till it please the Government to arrest us. And thus we do, not by way of angry resolution, but because it is our *ahimsa*. We must wear Khush even as the Brothers have worn it, and spread the Gospel of Swadhin. The Muslims must collect for Sayyid ul-Jalil and the Aqora Government. We must spread like the Ah Brothers the Gospel of Hindu Muslim unity and of non-violence for the purpose of attaining Swaraj and the redress of the Khilafat and Punjab wrongs.

We have almost reached the cross. It is well with a patient who survives a crisis. If on the one hand we remain firm as a rock in the presence of danger, and on the other observe the greatest self-restraint, we shall certainly attain our end this very year.

---

*Words published on December 13th, 1921*

#### 4 PUZZLE AND ITS SOLUTION

by M. K. GANDHI

Lord Reading is puzzled and perplexed. Speaking in reply to the address from the British India Association and the Bengal National Chamber of Commerce at Calcutta, His Excellency said, "I confess that when I contemplate the activities of a section of the community, I find myself still, notwithstanding persistent study ever

since I have been in India, puzzled and perplexed. I ask myself what purpose is served by flagrant breaches of this law for the purpose of challenging the Government and in order to compel arrest?" The answer was partly given by Pradip Motilal Nehrū when he said on being arrested that he was being taken to the house of freedom. We seek arrest because the so called freedom is slavery. We are challenging the might of this Government because we consider its activity to be wholly evil. We want to overthrow the Government. We want to compel its submission to the people's will. We desire to show that the Government exists to serve the people, not the people the Government. Free life under the Government has become intolerable for the price exacted for the retention of freedom is unconscionably great. Whether we are one or many we must refuse to purchase freedom at the cost of our self-respect or our cherished convictions. I have known even little children become unbending when an attempt has been made to cross their declared purpose, be it ever so trivial in the estimation of their parents.

Lord Reading most clearly understood that the non-co-operators are at war with the Government. They have declared rebellion against it in as much as it has committed a breach of faith with the Muslims, it has humiliated the Punjab and it insists upon imposing its will upon the people and refuses to repair the breach and repent of the wrong done in the Punjab.

There were two ways open to the people, the way of armed rebellion and the way of peaceful revolt. Non-co-operation have chosen, some out of weakness, some out of strength, the way of peace, that is voluntary suffering. If the people are behind the suffering, the Government must yield or be overthrown. If the people are not with them they have at least the satisfaction of not having sold their freedom. In an armed conflict the more violent is generally the victor. The way of peace and suffering is the quickest method of estimating public opinion, and therefore when victory is attained it is far what the world regards as Truth. Bred in the atmosphere of law courts, Lord Reading finds it difficult to appreciate the peaceful resistance to authority. His Excellency will learn by the time the conflict is over that there is a higher court than courts of justice and that is the court of conscience. It supersedes all other courts.

Lord Reading is welcome to treat all the sufferers as lunatics, who do not know their own interest. He is entitled therefore to put them out of harm's way. It is an arrangement that entirely suits the lunatics and it is an ideal situation if it also suits the Government. He will have cause to complain if having courted imprisonment, non-co-operation fast and fume or 'whine for favours' as Lalajee puts it. The strength of a non-co-operator lies in his going to goal uncomplainingly. He loses his case if having courted imprisonment he begins to grumble immediately his captivity is rewarded.

The threats used by His Excellency are unbecoming. This is a fight to the finish. It is a conflict between the reign of violence and of public opinion. Those who are fighting for the latter are determined to submit to any violence rather than surrender their opinion.

---

*Words published on February 13rd 1922.*

### SHAKING THE MANES

by M. K. GANDHI

How can there be any compromise whilst the British Lion continues to shake his paws close to our faces? Lord Birkenhead regards us that Britain has lost none of her hard fibres. Mr Montagu tells us in the plainest language that the British are the most determined nation in the world, who will brook no interference with their purpose. Let me quote the exact words telegraphed by Reuters —

"If the existence of our empire were challenged, the discharge of responsibilities of the British Government to India prevented, and demands were made in the very mistaken belief that we contemplated retreat from India, then India would not challenge with success the most determined people in the world, who would once again answer the challenge with all the vigour and determination at its command."

Both Lord Birkenhead and Mr Montagu little know that India is prepared for all 'the hard fibre' that can be transported across the seas and that her challenge was issued in the September of 1920 at Calcutta that India would be satisfied with nothing less than Swaraj and full redress of the Khilafat and the Punjab wrongs. This does involve the existence of the empire, and if the present custodians of the British Empire are not satisfied with its quiet transformation into a true commonwealth of free nations, each with equal rights and

each having the power to stand as well from an honourable and friendly partnership, all the determination and vigour of 'the most determined people in the world' and the 'hard fibre' will have to be spent in India in a vain effort to crush the spirit that has risen and that will either bend nor break. It is true that we have no 'hard fibre'. The rice-eating, pliant millions of India seem to have resolved upon achieving their own destiny without any further tussle, and without arms. In the Lokmanya's language it is their 'birth right', and they will have it in spite of the 'hard fibre' and in spite of the vigour and determination with which it may be administered. India cannot and will not answer the violence with violence, but if she remains true to her pledge, her prayer to God to be delivered from such a scourge will certainly not go in vain. No empire sustained with the red wine of power and plunder of weaker races has yet lived long in this world, and this 'British Empire' which is based upon organized exploitation of physically weaker races of the earth and upon a continuous exhibition of brute force, cannot live if there is a just God ruling the Universe. Little do these so-called representatives of the British Nation realise that India has already given many of her best men to be dealt with by the British 'hard fibre'. Had Chauri Chaura not interrupted the even course of the national sacrifice, there would have been still greater and more delectable offerings placed before the bar, but God had willed it otherwise. There is nothing, however, to prevent all those representatives in Downing Street and Whitehall from doing their worst. I am aware that I have written strongly about the violent threat that has come from across the seas, but it is high time that the British people were made to realise that the fight that was commenced in 1930 is a fight to the finish, whether it lasts one month or one year or many months or many years, and whether the representatives of Britain re-enact all the redoubtable orgies of the Mutiny days with redoubled force or whether they do not. I shall only hope and pray that God will give India sufficient flexibility and sufficient strength to remain non-violent to the end. Subsequence to the violent challenges, that are ruled out on due occasions is now an utter impossibility.

(Sd/-) L. N. BODHAN,  
Additional District Magistrate

11/3/33

S.C. No. 45 of 1922. 11

The charges, having been read & explained, are recorded each 1 & 2. The Court having called on the acc't to state if they plead guilty & claim to be tried.

Mr. R. K. Gendley says:

"I plead guilty on each count of the charge. I ~~understand~~ <sup>fully</sup> observe that the Court now is satisfied from the charge that in my opinion very properly."

Mr. Barker says:

"I plead guilty."

The Attorney-General (Special Public Prosecutor) asks the Court not to withhold on the pleas but to proceed with the trial. He says that the charges read by investigated as fully as possible & also that the Court will be in a better position to pass sentence if it hears the whole of the facts before it.

He quotes say, & Lawrence, 19 Am. L. R. 116.

The Court nevertheless accepts the pleas of guilty for reasons given in each 3.

The Court therefore calls upon the Special P. P. to say how, saying that he wishes to say on the question of sentence.



The charges, having been read and explained, are recorded Exhs 1 and 2. The Court having called on the *accd.* to state if they plead guilty or claim to be tried,

*Mr. M. K. Gaudin* says —

"I plead guilty on each count of the charge. I merely observe that the King's name is omitted from the charge sheet and in my opinion very properly."

*Mr. Barker* says —

"I plead guilty."

*The Advocate General (Special Public Prosecutor)* asks the Court not to correct on the plea but to proceed with the trial. He urges that the charges shd. be investigated as fully as possible and also that the Court will be in a better position to pass sentence if it has the whole of the facts before it. He quotes *Emp. v. Laxman*, 19 Bom. L. R. 356.

The Court nevertheless accepts the plea of guilty for reasons given in Exh. 3.

The Court therefore calls upon the Special P. P. to say any thing that he wishes to say on the question of sentence.

2. T. Strangman says:  
"Now I refer to all the evidence  
to a judge the Committee  
Magistrate? The Court held  
that it was not necessary to  
put it in position in view of the  
document. I would help the Com-  
mittee Magistrate. I requested  
that it should be made unnecessary  
detail. The Court inquired mainly  
of the particulars contained in the  
charge. The plea of the att[est]."  
I maintain that the articles  
contained in the charge are part  
of an organized campaign which  
has lasted for years. Secondly,  
Mr. J. is an educated man & a  
recognised leader & his work  
has campaign all the more  
harmful. The Court must con-  
sider the inevitable results of  
this campaign as shown by recent  
events. The pretences of in-  
nocence are futile. The Court should  
consider whether the offences do not  
deserve a sentence of severity.  
The offence of the second article  
is less gravity but more the less  
serious in my case than the  
first is a substantial fine."

*Sir T. Srinivasan says:—*

"May I refer to all the evidence before the Committing Magistrate? (The Court held that he might refer generally to Mr. G's position as shown by the documents proved before the Committing Magistrate but requested that he should not go into unnecessary detail and would confine himself mainly to the particulars contained in the charge and the plea of the accused.)

"I mention that the articles contained in the charge are part of an organized campaign which has lasted for years. Secondly Mr. G is an educated man and a recognized leader and this makes the campaign all the more harmful. The Court must consider the inevitable result of this campaign as shown by recent events. The protest of non-violence are futile. The Court shd. consider whether the offences do not require a sentence of severity. The offence of the second accused is of less gravity but none the less serious. In his case there shd. be a substantial fine."

The Court then called on 12  
Mr. Standen to say anything  
he wished to say in his  
case.

Mr. S. says

- Before reading my statement I  
should like to say that I an-  
dorse all that the Advocate-  
General has said about my  
'previously disaffected' I admit  
now become a partisan with me  
& it commenced long before  
the time mentioned by him.  
I admit the blame for the  
~~former~~ crime committed in  
Bombay, Madras, ~~etc.~~ <sup>& elsewhere</sup> It is  
true that I ought to know  
the consequences of my act.  
I admit that I have been  
dealing with five lost souls.  
As to Alvin if released  
I feel it necessary that I should  
do this as my duty to my  
people. I do not ask  
for any money. The Court  
must do its duty.  
He then reads his statement re-  
corded on vol. 4.

The Court then called on Mr. Gandhi to say anything he wished to say as to the sentence.

Mr. G says:—

“Before reading my statement I should like to say that I endorse all that the Advocate General has said about me.

Franching disaffection, I admit, has become a passion with me and it commenced long before the time mentioned by him. I admit the blame for the crimes of violence committed in Bombay, Madras and elsewhere. It is true that I ought to know the consequences of my acts. I admit that I have been playing with fire, but I did do so again & released. I feel it necessary that I did do this, as my duty to my people. I do not ask for any mercy. The Court must do as duty.”

He then reads the statement recorded as Exh. 4.

The Court then called on Mr. Bunker  
and he answering he wishes to  
make the last question of the sentence  
he says: "only with prayer that  
I have the privilege of printing  
the articles & plead guilty".

The Court proceeded to pass  
sentence as follows:

- (1) on Mr. Bunker: 2 years  
simple imprisonment on each  
count, consecutive, 6 years  
simple imprisonment in all.  
(2) on Mr. Bunker: 6 months  
simple imprisonment on each  
~~count~~ of the first two counts  
+ a fine of Rs. 1000, with  
in each count simple imprisonment,  
on the 3rd count: 1 year;  
simple imprisonment + a fine  
of Rs. 1000 in all (with  
reasons for sentence to be set out).

18/3/22.

W. M. K. S.

G. J.

The Court then called on Mr. Barker to say anything he wishes to say on the question and the sentence. He says: "I only wish to say that I had the privilege of printing the articles and plead guilty."

The Court proceeded to pass sentence as follows:—

(E) *On Mr. Gamble*: 2 years simple imprisonment on each count, consecutive, 6 years simple imprisonment in all.

(G) *On Mr. Barker*: 6 months simple imprisonment on each of the first two counts and a fine of Rs. 1000, with 6 months simple imprisonment in case of default. On the 3rd count: 1 year's simple imprisonment and a fine of Rs. 1000 in all (with further six months in case of default).

Reasons for sentence in Exh. 5

18/3/22

R. S. BROOMFIELD,

S.J.

EXH. 1

Sessions Case No. 45 of 1922

Read & Recorded  
18.3.22

Sd/- Sessions Judge.

CHARGE (SECS. 221, 222, 223 C. P. C.)

I, L. N. Brown, Additional District Magistrate hereby charge you Mohandas Karamchand Gandhi as follows that you being the editor of the paper "Young India" on or about the 29th day of September 1921, the 15th day of December 1921 and the 23rd day of February, 1922 at Ahmedabad did write the words contained in the appendix to this charge and by these written words did bring or attempt to bring into hatred or contempt or did excite or did attempt to excite disaffection towards His Majesty or the Government established by law in British India and thereby committed offences punishable under Section 124A of the Indian Penal Code and within the cognizance of the Court of Sessions

And I hereby direct that you be tried by the said Court on the said charge

Dated this eleventh day of March 1922

L. N. BROWN,  
Additional District Magistrate.

SEAL OF THE  
DISTRICT  
MAGISTRATE,  
AHMEDABAD



EXHIBIT 2

Sessions Case No. 45 of 1922

Read & Recorded

28.3.22

54/-  
Sessions Judge.

CHARGE (Sections 121, 122, 123 C. P. C.)

I, L. N. Brown, Additional District Magistrate hereby charge you Shankarlal Gopalbhai Barker that you being the printer of the paper "Young India" on or about the 29th day of September 1921, the 15th day of December 1921 and the 22nd day of February 1922 at Ahmedabad did print the words contained in the Appendix to this charge, and by these written words did bring or attempt to bring into hatred or contempt or did excite or attempted to excite disaffection towards His Majesty or the Government established by law in British India and thereby committed offences punishable under Section 124A of the Indian Penal Code and within the cognizance of the Court of Sessions

And I hereby direct that you be tried by the said Court on the said charge.

Dated this eleventh day of March, 1922

SEAL OF THE DISTRICT MAGISTRATE,  
AHMEDABAD

54/- L. N. BROWN,  
Additional District Magistrate

Journal No. 15 of 1912.

THE COURT.

Yes.

THE COURT: I understand standing.

THE COURT: I understand standing.

THE COURT: I can only say that I do not agree. I have, undoubtedly, a full discretion to accept the evidence on their plea if I think proper to do so, and in this particular case I doubt whether advantage can be gained by going any more through the evidence that was presented before the Corroding Committee. As regards the point that the charges should be investigated as fully as possible, the evidence recorded on behalf the Corroding Committee, and as far as I know nothing more could be recorded and so would be evidence going to show that Mr. Standish is responsible for these particular articles, and in the face of his plea it seems to me that it would be futile to record further evidence on that point. As regards the question of sentence, I gave without saying that from the time that I have known that I should have to try the case I have thought very carefully over the matter of sentence to men of a conviction and although I am, of course, prepared to hear everything that you and Mr. Standish may have to say. As I honestly do not believe that the mere recording of all the evidence and proceedings with the trial would make any difference to the sentence one way or the other. I, therefore, propose to accept the plea of the accused. Nothing, therefore, remains but to pass sentence. Before doing that I should like to have another address from counsel as to the question of sentence.

12/1/1913.

*W. Bromfield*  
Counsel for the Accused.

EX. 3.

Sessions Case No. 45 of 1922

EMPEROR

vs.

1. MOHANDAS KARAMECHAND GHANDHY

2. SHAMSELAL GUPTABHAI BANSODR.

Court—Well I can only say that I do not agree. I have, undoubtedly, a full discretion to convict the accused on their plea if I think proper to do it, and in this particular case I cannot see what advantage can be gained by going once more through the evidence that was recorded before the Committing Magistrate. As regards the point that the charge should be investigated as fully as possible, the evidence recorded before the Committing Magistrate—and as far as I know nothing more would be recorded now—would be evidence going to show that Mr. Ghandhy is responsible for these particular crimes. And in the face of his plea it seems to me that it would be futile to record further evidence on that point. As regards the question of sentence, it goes without saying that from the time that I have known that I should have to try the case I have thought very carefully over the matter of sentence in case of a conviction and although I am, of course, prepared to hear everything that you and Mr. Ghandhy may have to say, I honestly do not believe that the mere recording of all the evidence and proceeding with the trial would make any difference to the sentence one way or the other. I, therefore, propose to accept the plea of the accused.

18/3/22

54/- R. S. BROOMFIELD,  
Sessions Judge.

129  
 I owe it perhaps to the Indian public and to the public in England to explain why from a staunch loyalist and cooperator I have become an uncompromising disaffectionist non-cooperator. To the Court too I should say why I plead guilty to the charge of promoting disaffection towards the government established by law in India.

Page No. 11

Ex. 4

RSH

Serious Judge

I owe it perhaps to the Indian public and to the public in England to explain why from a staunch loyalist and cooperator I have become an uncompromising disaffectionist non-cooperator. To the Court too I should say why I plead guilty to the charge of promoting disaffection towards the government established by law in India.

23  
 My public life  
 began in 1893 in South  
 Africa in troubled weather.  
 My first contact with  
 British authority in that  
 country was not of a  
 happy character. I  
 discovered that as a  
 man and an Indian  
 I had no rights ~~most~~  
~~correctly~~. I discovered that  
 I had no rights as a  
 man because I was an  
 Indian.

But I was not  
 baffled. I thought that  
 the treatment of Indians

Page No. 23

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 discovered that I had no rights as a man because I was an Indian.

But I was not baffled. I thought that the treatment of Indians

was an encroachment upon  
 a system. That was  
 intrinsically and mainly  
 good. I gave the government  
 my voluntary and hearty  
 cooperation. Continuing it  
 freely where I felt it was  
 fairly but never wishing  
 its destruction. Consequently  
 when the existence of the  
 Empire was threatened in  
 1899 by the Box challenge,  
 I offered my services to  
 it, raised a volunteer  
 ambulance corps and  
 served at several actions  
 that took place for the

Box

File No 70

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Relief of Ladysmith. Shortly in 1906 at the time of the  
 Zulu revolt I raised a stretcher bearer party and served till the  
 end of the rebellion. On both these occasions I received medals  
 and was even mentioned in despatches. For my  
 work in South Africa I was given by Lord Halding a  
 Kaiser-Royal Gold medal. When the war broke out in  
 1914 between England and Germany, I raised a volunteer

File No 72

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 Kaiser-Royal Gold medal. When the war broke out in  
 1914 between England and Germany, I raised a volunteer

ambulance corps in London consisting of the then resident Indians in London chiefly students. Its work was acknowledged by the authorities to be valuable. Lastly in India when a special appeal was made at the war Conference in Delhi in 1918 by Lord Chelmsford for recruits I struggled at the cost of my health to raise a corps in Kheda and the response was being made when the

recd no 12

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hostilities ceased and orders were received that no more recruits were wanted. In all these efforts at service I was actuated by the belief that it was possible by such services to gain a status of full equality in the Empire for my countrymen.

The first shock came in the shape of the Rowlett & Teller Act, a law designed to rob the people of all real freedom. I felt called upon to lead

Page No. 13

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an intensive agitation  
 against it. Then followed  
 the Punjab horrors, begin-  
 ning with the massacre  
 of Jallawalla Bag  
 and culminating in  
 orders of violence, public  
 floggings, and other  
 indescribable humiliations.  
 I discovered too that the  
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Page No. 28

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likely to be fulfilled. But in spite of the foreboding and the grave warnings of friends, at the American Congress in 1914 I fought for co-operation and working the Montagu-Chelmsford reforms hoping that the Prime Minister would redeem his promise to the Indian Ministers, that the Punjab wound would be healed and that the reforms in progress to add satisfaction though they were, marked a new

Page Two 20

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era of hope in the life of India.

But all that hope  
 has shattered. The Khilafat  
 promise was not to be  
 redeemed. The Punjab  
 Crime was white-washed  
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 not only unpunished but  
 remained in service and  
 some continued to draw  
 pensions from the Indian  
 revenue and in some  
 cases were even rewarded.  
 I saw too that not only  
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Page No. 76

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they were only a method  
 of further draining India  
 of her wealth and of  
 prolonging her servitude.

I came reluctantly  
 to the conclusion that  
 the British connection had  
 made India more helpless  
 than she ever was before  
 politically and economically.  
 A disarmed India has no  
 power of resistance against  
 any aggressor who wants  
 to engage in an armed  
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Plate No. 17

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 consider that India must  
 take generations before she  
 can achieve the dominion  
 status. She has become  
 so poor that she has  
 little power of recruiting  
 farmers. Before the  
 British advent India  
 spun and wove in her  
 millions of cottages just  
 the supplement she needed,  
 for adding to her meagre  
 agricultural resources.  
 This cottage industry  
 so vital for India's

Page No. 32

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sinking to helplessness.  
Little do they know that  
their miserable comfort  
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Page No. 33

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are sucked from the masses. Little do they realize that the government established by law in British India is carried on for their exploitation of the masses. No sophistry, no jugglery in figures can explain away the evidence the skeletons in many villages present to the naked eye. I have no doubt whatever that both England and the town dwellers of India will

Page No. 13

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 foreign exploiter. My  
 unbiased examination  
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Page No. 35

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Photo No. 87

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The greatest misfortune  
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Page No 37

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or unconsciously for the benefit of the exploiter.

The greatest misfortune is that Englishmen and their  
Indian associates in the administration of the country do  
not know, that they are engaged in the crime I have  
attempted to describe. I am satisfied that many English and

Indian officials honestly believe that they are administering one of the best systems devised in the world and that India is making steady though slow progress. They do not know that a subtle but effective system of terrorism and an organized display of force on the one hand and the deprivation of all powers of resistance retaliation or self defence on the other have emasculated

into

in detail

File No. 31

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the people and induced in them the habit of simulation. The social habit has added to the ignorance and the self deception of the administration.

Section 124 A under which I am happily charged is perhaps the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen. Affection cannot be manufactured or regulated by law. If one

Page No. 39

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Section 124 A under which I am happily charged is perhaps the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen. Affection cannot be manufactured or regulated by law. If one

has no affection for a person or thing, one should be free to give the fullest expression to his disaffection so long as he does not contemplate promote or incite to violence. But the section under which Mr Barker and I are charged is one under which mere promotion of disaffection is a crime. I have studied some of the cases tried under it and I know that some of the most

Class No. 58

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loved of India's patriots  
 have been convicted  
 under it. I consider it  
 a privilege therefore  
 to be charged under it.  
 I have endeavored to  
 give in their briefest  
 outline the reasons  
 for my disaffection.  
 I have no personal  
 ill-will against any  
 single administrator.  
 Much less can I have  
 any disaffection towards  
 the King's person. But  
 I hold it to be a virtue

Page No. 27

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to be disaffected towards  
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 India is less mainly  
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 Holding such a belief  
 I consider it to be a sin  
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Rev. Mr. M.

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in evidence against me. In fact I believe that I have rendered a service to India and England by showing in non-cooperation the way out of the unnatural state in which both are living. In my humble opinion non-cooperation with evil is as much a duty as is cooperation with good. But in the past non-cooperation has been deliberately expressed in violence to the evil-doer. I am endeavouring

Page No. 40

in evidence against me. In fact I believe that I have rendered a service to India and England by showing in non-cooperation the way out of the unnatural state in which both are living. In my humble opinion non-cooperation with evil is as much a duty as is cooperation with good. But in the past non-cooperation has been deliberately expressed in violence to the evil-doer (he does) I am endeavouring

to show to my countrymen  
~~that non-violent non-cooperation~~  
 only multiplies evil and  
 that as evil can only be  
defeated by violence,  
 withdrawal of support of  
 evil requires complete  
 abstention from violence.  
 Non-violence implies  
 voluntary submission  
 to the penalty for non-  
 cooperation with evil.  
 I am therefore herefore to  
 invite and submit  
 cheerfully to the highest  
 penalty that can be

File No 70

to show to my countrymen that violent non-cooperation only multiplies evil and that as evil can only be resisted by violence, withdrawal of support of evil requires complete abstinence from violence. Non-violence implies voluntary submission to the penalty for non-cooperation with evil. I am therefore to invite and submit cheerfully to the highest penalty that can be

24 45  
inflicted upon me for  
what in law is a  
deliberate crime, and  
what appears to me to  
be the highest duty of a  
Citizen. The only course  
open to you the Judge  
~~and the~~ is  
either to resign your  
post ~~that~~ disassociate  
yourself from evil  
if you feel that the law  
you are called upon to  
administer is an evil  
and that in reality I  
am innocent of it

Page 10 11

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appears to me to be the highest duty of a citizen. The only course  
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I am not for the law and the  
 system and the law you  
 are assisting to administer  
 are good for the people  
 of this country and  
 that my activity is  
 therefore injurious to  
 the public weal.

M. K. Gandhi

7.

P. M. 11. 11

subject on the severest penalty if you believe that the  
 system and the law you are assisting to administer are  
 good for the people of this country and that my activity  
 is therefore injurious to the public weal

M. K. GANDHI

## EXHIBIT 3

SESSIONS CASE No 43 of 1922

### IMPERATOR.

PI

1. MR. MAHARAJ KARANCHAND GHANDHY.

2. SHIVDEHAI GYELABHAI BARKER.

Court.—Mr. Ghandhy you have made my task easy in one way by pleading guilty to the charge. Nevertheless, what remains, viz., the determination of a just sentence, is, perhaps, as difficult a proposition as a Judge in this country could have to face. The Law is no respecter of persons. Nevertheless it would be impossible to ignore the fact that you are in a different category from any person I have ever tried or am likely to have to try. It would be impossible to ignore the fact that in the eyes of millions of your countrymen you are a great patriot and a great leader. Even those who differ from you in politics look upon you as a man of high ideals and of noble and even saintly life. I have to deal with you in one character only. It is not my duty and I do not presume to judge or criticize you in any other character. It is my duty to judge you as a man subject to the law who has, by his own admission, broken the law and committed what to an ordinary man must appear to be grave

offences against the State. I do not forget that you have constantly preached against violence and that you have on many occasions, as I am willing to believe, done much to prevent violence, but having regard to the nature of your political teaching, and the nature of many of those to whom it is addressed, how you could have continued to believe that violence and anarchy would not be the inevitable consequences, it passes my capacity to understand. There are, probably, few people in India who do not sincerely regret that you should have made it impossible for any Government to leave you at liberty. But it is so. I am trying to balance what is due to you against what appears to me to be necessary in the interests of the public. And I propose in passing sentence to follow the precedent of *a* case, in many respects similar to the case, that was decided some 12 years ago, --- I mean the case against Mr. Bal Gangadhar Tilak under this same section. The sentence that was passed upon him, as it finally stood, was a sentence of simple imprisonment for six years. You will not consider it unreasonable, I think, that you should be charged with Mr. Tilak and that in the sentence, two years' simple imprisonment on each count of the charge, *i.e.* six years in all, which I feel it my duty to pass upon you. And I should like to say in doing so that if the course of events in India should make it possible for Government to reduce the period and release you, no one would be better pleased than I.

*Chair*—Mr. Barker, I assure that you have been to a large extent under the influence of your chief. The sentence that I propose to pass upon you is simple imprisonment for six months on each of the first two counts & a simple imprisonment for one year, and a fine of a thousand rapous on the third count with six months simple imprisonment in default.

18/3/1932

Sir - R. S. BROWNFIELD,  
*Sessions Judge.*

IN F R E E P R E S S

vs.

1. Richard Raymond (Hanging),
2. Richard Michael Barker,

versus the Crown

Court:- Mr. Advocate General, There is one point in connection with the charge. I notice that the charge, as framed by the Presiding Magistrate, although it appears to contain three - words, notwithstanding all changes the accused with the offence. As I understood the case for the Prosecution is that there are three - distinct offences which being offences of the same kind and committed within the space of one year are charged and to be tried - together. But if that is so, I think the charge should read thus:- "and thereby committed offences punishable under Section 104-A, L.P.C. and within the cognizance of the Court of Session."

Advocate General:- Yes, Sir, that is so.

[ The Clerk of the Court then read out the amended - charge to the accused and requested to read in full the corresponding articles in question ].

Court:- The law requires that the charge should be not only read out but explained. In this case, however, it will not be necessary to say much by way of explanation. The charge against each of the accused is that of bringing or attempting to bring into being or carrying or assisting or attempting to assist disaffection towards His Majesty or the Government established by law in British India, and the accused are charged with having committed offences under Sec. 104-A, L.P.C., by means of the words contained in the articles that have just been read out, written by Mr. Harding and printed by Mr. Barker. The words "incited" and "carrying" are words of which the meaning is sufficiently obvious. The word "disaffection" is defined in the - - - - - Section itself thus as we are told that disaffection includes the policy

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[*Publisher's Note*.—The following is, as stated by Mr R. S. Brown, held at the end, shortened transcript which is substantially correct record of the whole proceedings.]

SESSIONS CASE No. 45/1922

## IMPERATOR

Pr

1. **MONENDRAS KURASHCHAND GHANDHY.**
2. **SHANDESHAL CHITLASHAN BANSER.**

*Court*.—Mr. Advocate General: There is one point in connection with the charge. I notice that the charge, as framed by the Commencing Magistrate, although it appears to contain three counts, nevertheless charges the accused with one offense. As I understand the case for the Prosecution it is that there are three distinct offenses which being offenses of the same kind and committed within the space of one year are charged and to be tried together. But if that is so, I think the charge should read thus—  
“and thereby committed offenses punishable under Section 124-A, I.P.C. and within the cognizance of the Court of Session.”

*Advocate General*. — Yes, Sir, that is so.

(The Clerk of the Court then read out the amended charge to the accused and proceeded to read in full the articles in question.)

*Court*. — The Law requires that the charge should be not only read out but explained. In this case, however, it will not be necessary to say much by way of explanation. The charge against each of the accused is that of bringing or attempting to bring into hatred or contempt or exciting or attempting to excite disaffection towards His Majesty or the Government established by Law in British India, and the accused are charged with having committed offenses under Sec. 124A, I.P.C., by means of the words contained in the articles that have just been read out, written by Mr. Ghandhy and printed by Mr. Banser. The words “hatred” and “contempt” are words of which the meaning is sufficiently obvious. The word ‘disaffection’ is defined in the Section itself where we are told that disaffection includes disloyalty



and all feelings of enmity and the word as used in this Section has also been interpreted by the Bombay High Court in a reported case as meaning Political dissension or discontent, — a spirit of disloyalty to the Government or the existing authority. "An attempt to excite dissensions towards Government is equivalent to an attempt to excite Political hatred of Government as established by Law to excite Political discontent and alienate the people from their allegiance." The charges having been read out and explained, as far as necessary, I now call upon the accused to plead to the charge.

*Mr. Ghanshy* — I plead 'guilty' to all the counts.

*Mr. Barker* — I plead 'guilty'.

*Advocate General* — I ask permission to say a word with regard to the plea of the accused. Under Sec 279, Cr.P.C. it is open to you to convict the accused on their plea or proceed with their trial. The word is "may" and not "must". I, therefore, ask you to proceed with the trial because, in the first instance, the charges are of a most serious character, and in the second place it is desirable in the interests of the Public that these charges should be fully and publicly investigated. I do not think that it is necessary to labour that point further, looking at it from the broader point of view. Looking at it from a narrower point of view, i. e. in regard to the sentence that your Honour may be pleased to impose on each of the accused I say that it is obvious that you cannot deal adequately with that matter unless and until you have all the facts before you. That was the view taken by the High Court of Bombay in 19 Bom. L. R. 356. It is true that it was a murder case — an extreme case, but the principle applied there applies here also. There is another case reported on 22 May 1931. But that is on a point of law as to whether or not the trial Judge has power to proceed. In this case I dare say that it will be impossible to deal with the matter satisfactorily unless you have all the evidence before you. It is my duty to bring certain facts in the evidence to your notice which will certainly not be before you on mere charges and these are matters which I ask you to take into account and

request you to proceed with the trial.

Q. (Court): Well I can only say that I do not agree. I have, one incidentally, a full illustration to submit the record on their side if I think proper to do it, and in this particular case I cannot see what advantage can be gained by going over once through the evidence that was received before the Committing Magistrate. As regards the proposition that the charge should be investigated as fully as possible, the witnesses received before the Committing Magistrate, -- and as far as I know nothing ~~to the contrary has been made out~~ <sup>more would be recorded here</sup> -- would be evidence going to show that Mr. ~~Chambers~~ <sup>Chambers</sup> is responsible for these particular -- activities. And in the face of this plan it seems to me that it would be futile to record further evidence on that point. As regards the -- questioned evidence, it goes without saying that from the time that I have known that I should have to try the case I have thought very carefully over the matter of evidence in case of a perjury and although I am, of course, prepared to hear everything that you and Mr. Chambers may decide my, I honestly do not believe that the mere -- recording of all the evidence and proceeding with the trial would make any difference with the evidence one way or the other. I, -- therefore, <sup>proposed</sup> to accept the plan of the commit<sup>d</sup> finding, three -- five, <sup>or</sup> seven not to pass evidence, before doing that I should like to hear what the Attorney General has to say on the question of evidence.

Attorney General: I am entitled to refer to what happened when the evidence was received before the Committing Magistrate.

Chambers: You are entitled to base your remarks on the -- ~~evidence~~ <sup>charges</sup> and the plan of the court.

Attorney General: But I could like to have the evidence before the Court in order that the whole matter may be properly considered. If I am allowed to <sup>offer</sup> ~~refer~~ to what happened before the -- Committing Magistrate then I could also mention things which are material to the question of evidence.

Court: That particular matter you want to refer to.

Just

request you to proceed with the trial.

*Court*. — Well I can only say that I do not agree. I have undoubtedly, a full discretion to correct the accused on their plea if I think proper to do it, and in this particular case I cannot see what advantage can be gained by going once more through the evidence that was recorded before the Committing Magistrate. As regards the point that the charge should be investigated as fully as possible, the evidence recorded before the Committing Magistrate— and as far as I know nothing more would be recorded now— would be evidence going to show that Mr Ghurdhy is responsible for these particular articles. And in the face of his plea it seems to me that it would be futile to record further evidence on that point. As regards the question of sentence, it goes without saying that from the time that I have known that I should have to try the case I have thought very carefully over the matter of sentence in case of a conviction and although I am, of course, prepared to hear everything that you and Mr. Ghurdhy may have to say, I honestly do not believe that the mere recording of all the evidence and proceeding with the trial would make any difference to the sentence one way or the other. I, therefore, propose to accept the plea of the accused. Nothing, therefore, remains but to pass sentence. Before doing that I should like to hear what the Advocate General has to say on the question of sentence.

*Advocate General*. — I am entitled to refer to what happened when the evidence was recorded before the Committing Magistrate ?

*Court*. — You are entitled to base your remarks on the charges and the plea of the accused.

*Advocate General*. — But I would like to have the evidence before the Court in order that the whole matter may be properly considered. If I am allowed to refer to what happened before the Committing Magistrate then I could show various things which are material on the question of sentence.

*Court*. — What particular matters do you want to refer to ?

Advocate General:-- The point that I desire to make is this that in Khamrath is apparent from the issues of Young India, which were put up before the Hon'ble Magistrate, that the articles which were the subject of the charge were merely a part of the campaign to spread disaffection openly and systematically, to render Government impossible and even to overthrow it. The earliest article that was put in from the Young India was dated 28th May, 1931, in which the accused has really stated that if he were to be charged he would plead "guilty" as to the help of a non-responder to plant guilty to the charge of sedition. . . .

Court:-- I understood your point, now. Nevertheless it seems to me pretty pretty clear that when the Court has once -- accepted the plea the materials on which the sentence is to be passed are the actual charge and the accused's plea to it.

Advocate General:-- The question of sentence is entirely for the Court, but so far as the accused are concerned there is no dispute with regard to some articles--some chapters.

Court:-- See the point, as, as a matter of fact, been rehearsed decided in my reported case.

Advocate General:-- Well I cannot say that it has been ruled. What I wish to say is that the Court has to go on some -- general matters, but I am not going to ask the Court to go outside the Magistrate's report. You prevent us from giving evidence here. Well I live to that ruling. But I must submit refer to what -- happened when the trial proceeded in order to ascertain what the facts were.

Court:-- There is certainly no objection to your referring to the evidence that was taken in the Magistrate's Court, in order to explain Mr. Gandhi's general position but I think you need not go in any detail into documents other than those included in the actual charge.

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*Advocate General* :—The point that I desire to make is this that it is apparent from the issue of Young India, which was put in before the Commuting Magistrate, that the articles which form the subject of the charge form merely a part of a campaign to spread disaffection openly and systematically, to render Government impossible and serve to overthrow it. The earliest article that was put in from the Young India was dated 25th May, 1921, in which the accused has really stated that if he were to be charged he would plead 'guilty' as it is the duty of a non-co-operator to plead guilty to the charge of sedition.

*Court* :—I understood your point. Nevertheless it seems to me pretty clear that when the Court has once accepted the plea the materials on which the sentence is to be passed are the actual charge and the accused's plea to it.

*Advocate General* :—The question of sentence is entirely for the Court, but so far as the accused are concerned there is no dispute with regard to these articles—none whatever.

*Court* :—Has the point, as a matter of fact, been stated and decided in any reported case?

*Advocate General* :—Well I cannot say that it has been raised. What I wish to say is that the Court has to go on more general matters, but I am not going to ask the Court to go outside the Magistrate's record. You prevent me from giving evidence here. Well I bow to that ruling. But I must at least refer to what happened when the trial proceeded in order to ascertain what the facts are.

*Court* :—There is certainly no objection to your referring to the evidence that was taken in the Magistrate's Court, in order to explain Mr. Gandhi's general position but I think you need not go in any detail into documents other than those included in the actual charge.

Attorney General:- All that I want to show is that these articles are not isolated but they form part of an organized campaign. I do not propose to read all of them, but I could read only extracts from them.

(Here the Attorney General read extracts from articles in Young India dated 6th and 16th of June, 1st of Sept 1930 etc).  
Japan

Well that is as far as the Young India is concerned. The campaign itself, undoubtedly, started at a very much earlier date. Witness is the first matter to which I draw your attention. The second matter to which I draw your attention is that the first accused is a man of high standing and qualifications and evidently from his writings it is clear that he is a recognized leader. The result is that the harm which is likely to be caused is considerable. There is a lot of difference between the writings of an educated man and an ordinary man. Lastly, the fourth matter peculiar to this case is a campaign of the type illustrated in these writings could seriously lead, if unchecked. We have examples before us of the last few weeks. I refer to the occurrences in Bombay, Madras and Chauri Chaura, the stirring, stirring and instigation of property involving numerous people in injury and suffering. It is true that in the course of these articles non-violence is isolated upon as an aim of the civil campaign - an aim of the crowd, but of what value it is to insist on non-violence if he successfully provokes disturbances towards the Govt holding it up as treacherous and if he openly and deliberately seeks and instigates others to violence etc. And the ultimate last question appears to me to be as to what happened at Madras, Bombay and Chauri Chaura. These are circumstances which I ask you to take into consideration in arriving at the first accused. And it would be too good to consider whether these circumstances might involve a sentence of severity.

With regard to the second accused, his guilt is, undoubtedly, of a lesser degree. Whilst he printed and he abetted the publication of the articles in question he did not write them. His offence nevertheless is a serious one and my instructions are

MM



*Advocate General* — All that I want to show is that these articles are not isolated, but they form part of an organised campaign. I do not propose to read all of them, but I would read only extracts from them.

(Here the Advocate General read extracts from articles in *Young India* dated 8th and 19th of June, 1st of Sept. 1931 etc.)

Well that is so far as the paper *Young India* is concerned. The campaign itself was, undoubtedly, started at a very much earlier date. Well that is the first matter to which I draw your attention. The second matter to which I draw your attention is that the first accused is a man of high education and qualifications and evidently from his writings it is clear that he is a recognised leader. The result is that the harm which is likely to be caused is considerable. There is a lot of difference between the writings of an educated man and ordinary man. Lastly, the Court must consider to what results a campaign of the type disclosed in these writings would evidently lead, if unchecked. We have examples before us in the last few months. I refer to the occurrences at Bombay, Madras and Chauri Chaura, the killing, murder and destruction of property involving numerous people in misery and misfortune. It is true that in the course of these articles non-violence is insisted upon as an item of the wild campaign — an item of the creed, but of what value it is to insist on non-violence if he incessantly preaches dissatisfaction towards the Govt. holding it up as treacherous and if he openly and deliberately seeks and instigates others to overthrow it? And the answer is that question appears to me to be found in what happened at Madras, Bombay and Chauri Chaura. Those are circumstances which I ask you to take into consideration in sentencing the first accused. And it would be for you to consider whether those circumstances must not involve a sentence of severity.

With regard to the second accused. His guilt is, admittedly, of a lower degree. While he printed and so abetted the publication of the articles in question he did not write them. His offence nevertheless is a serious one and my instructions are

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that it is his hope the Court should express a substantial view in relation to such form of imprisonment rather than say that paper.

Director Mr. Thompson, do you wish to make any statement in the course of the question of sentence?

Mr.

Mr. Thompson: I would like to read Mr. Court's paragraph, to read a portion contained in it before. I read the statement I would like to say that I would not express the learned Associate General's reaction in connection with my Court's self. I think that to be entirely fair to me in all the statements that he has made, because it is very true, and I have not feeling whatsoever in connection from this Court the fact that in these matters I have been towards the existing system of work, and have been almost a passive with me, and the learned Associate General has also entirely in the right when he says that my report is in connection with the statement with my connection with Young's letter, but that it concerned such matters and in the statement that I am about to make it will be my careful duty to what before this Court that it concerned such matters than the matter stated by the learned General. It is to me, perhaps, very true, but I have no statement that they knowing the responsibility that stated upon me and I wish to express all the things that the Associate General has stated in my connection in connection with the finding, statement, the Court's statement, statement, and these things, and when they are, then, after all, and after all, statement, statement, I have come to the conclusion that it is impossible to connect myself with the statement of the Court's statement, and the statement in finding and finding. It is quite right when he says that as a matter of responsibility, a man having no other fair share of responsibility, having had a fair share of experience of this work, I should have the responsibility of every one of my acts. I know that I am finding it as every day, and I have felt it also this morning that I wish to finding right, and if I had not said that I said here just now, statement, to the Court, and in my finding, statement, the last sentence of my finding, but I had to make a statement, I had to make a statement in a system which I consider was more an irresponsible man to my finding or to the risk of the fact

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that in his case the Court should impose a substantial fine in addition to such term of imprisonment as the Court may think proper.

*Court* —Mr. Chaudhry, do you wish to make any statement to the Court on the question of sentence ?

*Mr. Chaudhry* :—I would like, with the Court's permission, to read a Written Statement but before I read the Statement I would like to say that I entirely endorse the learned Advocate General's remarks in connection with my humble self. I think that he was entirely fair to me in all the statements that he has made, because it is very true, and I have no doubt whatsoever to conceal from this Court the fact that to preach disaffection towards the existing system of Government has become almost a passion with me, and the learned Advocate General is also entirely in the right when he says that my preaching of disaffection did not commence with my connection with Young India, but that it commenced much earlier, and in the statement that I am about to make it will be my painful duty to admit before this Court that it commenced much earlier than the period stated by the Advocate General. It is the most painful duty with me, but I have to discharge that duty knowing the responsibilities that rested upon me and I wish to endorse all the blame that the Advocate General has thrown on my shoulders in connection with the Bombay, Madras and the Chauri Chaur occurrences. Thinking over these things deeply, and sleeping over them nights after nights, and after examining my heart I have come to the conclusion that it is impossible to dissociate myself from the diabolical crimes of Chauri Chaur or the mad outrage in Bombay and Madras. He is quite right when he says that as a man of responsibility, a man having received fair share of education, having had a fair share of experience of this world, I should know the consequences of every one of my acts. I know that I was feeling it so every day, and I have felt it also this morning that I would be failing in my duty if I did not say what I said here just now. Non-violence is the first article of my faith, it is also the last article of my faith, but I had to make my choice. I had either to submit to a system which I consider has done an incalculable harm to my country or incur the risk of the mad

They all up people bawling forth when they answered the truth  
 free option. I know that up people have sometimes gone wild. I am  
 deeply sorry for it. I am, therefore, here to submit not to a --  
 light penalty but to the highest penalty. I do not ask for mercy.  
 I do not ask for any extraordinary act of clemency. I do have to  
 justify and submit to the highest penalty that can be inflicted  
 upon me for what in law is a heinous crime and what appears to  
 me to be the highest duty of a citizen. The only course open to  
 you, the Judge, is either to resign your post, on which I know it  
 impossible for you to give any disinterested judgment from well if  
 you feel that the law you are called upon to administer is an evil  
 thing, and that in reality I am innocent, or to inflict on me the  
 heaviest penalty, if you believe that the system and the law you  
 are assisting to administer are good for the people of this country  
 generally, and that my guiltily is, therefore, injurious to the --  
 public good. By the time I have finished with my statement you  
 will, perhaps, have a glimpse of what is raging within my breast  
 to run the vilest rime that a man can run.

Cheng, W., & Shiu, H. (2005). A note on the asymptotic behavior of the maximum likelihood estimator of the parameters of the generalized gamma distribution. *Journal of Statistical Theory and Applications*, 4(1), 1-10.

submitted to the Court for review.  
The Court has not yet decided whether to grant the writ.

Mr. Barker.-- I only want to say that I had the privilege of meeting these artists and I stand gladly to the charge. I have not nothing to say as regards the sentence.

of Garrison. No, standing you have made my last step in the way  
by pleading guilty to the charge. Nevertheless, you shall remain, via  
the intermediation of a just sentence, in, perhaps, an artificial  
prison as a J. rig. In this country would have to face. The law  
is an indicator of purpose. Nevertheless it would be impossible to  
ignore the fact that you are in a different category from any --  
perhaps I have never tried as an inmate to have to try. It would be  
impossible to ignore the fact that in the eyes of millions of your  
countrymen you are a great patriot and a great leader. Even those  
who differ from you in political beliefs agree you are a man of high  
character of nobility and great worth. I have no fault with you.

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jury of my people burning forth when they understood the truth from my lips. I know that my people have sometimes gone mad. I am deeply sorry for it. I am, therefore, here to submit not to a light penalty but to the highest penalty. I do not ask for mercy. I do not ask for any extraordinary act of clemency. I am here to invite and submit to the highest penalty that can be inflicted upon me for what in law is a deliberate crime and what appears to me to be the highest duty of a Citizen. The only course open to you, the Judge, is either to resign your post,—which I know is impossible for you to do—and disengage yourself from evil if you feel that the Law you are called upon to administer is an evil thing, and thus in reality I am innocent, or to inflict on me the severest penalty, if you believe that the system and the Law you are assisting to administer are good for the people of this country, and that my activity is, therefore, injurious to the Public weal. By the time I have finished with my statement you will, perhaps, have a glimpse of what is raging within my breast to run the maddest risks that a sane man can run.

(Here Mr. Gandhi read his Written Statement and submitted it to Court for record.)

Court :— Mr. Bunker do you wish to say anything to the Court as regards the sentence?

Mr. Bunker :—I only want to say that I had the privilege of printing these articles and I plead guilty to the charge. I have got nothing to say as regards the sentence.

Court :— Mr. Gandhi, you have made my task easy in one way by pleading guilty to the charge. Nevertheless, what remains, viz. the determination of a just sentence, is, perhaps as difficult a proposition as a Judge in this country could have to face. The Law is no respecter of persons. Nevertheless it would be impossible to ignore the fact that you are in a different category from any person I have ever tried or am likely to have to try. It would be impossible to ignore the fact that in the eyes of millions of your countrymen you are a great patriot and a great leader. Even those who differ from you in Politics look upon you as a man of high character and of noble and even saintly life. I have to deal with you



in one character only. It is not my duty and I do not propose to judge or criticise you in any other character. It is my duty to judge you as a man subject to the Law who has, by his own admission, broken the Law and committed what to an ordinary man must appear to be grave offences against the State. I do not forget that you have constantly preached against violence and that you have on many occasions, as I am willing to believe, done much to prevent violence, but, having regard to the nature of your Political teaching, and the nature of many of those to whom it is addressed, how you could have continued to believe that violence and anarchy would not be the inevitable consequence, it passes my capacity to understand. There are, probably, few people in India who do not sincerely regret that you should have made it impossible for any Government to leave you at liberty. But it is so. I am trying to balance what is due to you against what appears to me to be necessary in the interests of the Public. And I propose as passing sentence to follow the precedent of a case, in many respects similar to this case, that was decided some 12 years ago, — I mean the case against Mr. Bal Gangadhar Tilak under the same section. The sentence that was passed upon him, as it finally stood, was a sentence of simple imprisonment for six years. You will not consider it unreasonable, I think, that you should be classed with Mr. Tilak and that is the sentence, two years' simple imprisonment on each count of the charge, i.e. six years in all, which I feel it my duty to pass upon you. And I should like to say in doing so that if the course of events in India should make it possible for Government to reduce the period and release you, no one would be better pleased than I.

*Chair.* — Mr. Barker, I assume that you have been to a large extent under the influence of your Chief. The sentence that I propose to pass upon you is simple imprisonment for six months on each of the first two counts i.e. simple imprisonment for one year, and a fine of a thousand rupees on the third count with six months' simple imprisonment in default.

*Mr. Ghoshdy.* — I would say one word. Since you have done me

the honour of recalling the trial of the late Ld. Chief Justice I feel  
 much to say that I consider it to be the greatest privilege and  
 honour to be associated with his name.

In regard to the evidence, I certainly consider that it is  
 as right as any Judge could deliver as he, and as far as the whole  
 proceedings are concerned I must say that I could not have expected  
 a better summary.

18-3-1891.

Benjamin Pease, Esq., Solicitor,

~~18-3-1891.~~

The above shorthand transcript is a  
 substantially correct record of the trial  
 proceedings, and should be preserved  
 with the papers of the case.

The actual official record of the  
 trial is in my own handwriting,  
 but as that I refer to two portions  
 of this transcript (namely my remarks  
 for accepting the plea of guilty, and  
 my remarks on leaving sentence)  
 which should be marked as  
 separate exhibits.

18/3/91

W. B. Woodhouse.  
 S. J.



the honour of recalling the trial of the late Lok. Think I just want to say that I consider it to be the proudest privilege and honour to be associated with his name.

As regards the sentence, I certainly consider that it is as light as any Judge could inflict on me, and so far as the whole proceedings are concerned I must say that I could not have expected better courtesy.

18-3-1922

R. S. B.  
Sessions Judge, Ahmedabad

The above short-hand transcript is a substantially correct record of the whole proceedings, and should be preserved with the papers of the case. The actual official record of the trial is in my own handwriting, but as that I refer to two portions of this manuscript namely my reasons for accepting the plea of guilty and my remarks on passing sentence which should be marked as separate exhibits.

18/3/22

R. S. BROOMFIELD,  
S. J.

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No 373 of 1922

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Form No. 10 of 1917

C.P.O. No.

Warrant of Commitment as a sentence of imprisonment or fine  
if passed by a Magistrate or Sessions Court.

(Sections 202, 203, 204 and 205.)

To

The JAILOR in the Central Jail Subarnati

Whereas by the 18<sup>th</sup> day of March 1922, Mohandas  
Prasad, son of Late Mr. ...

of the District ...

... and ...

Mohandas Prasad ...

Given under my hand and the seal of the Court,  
the 18<sup>th</sup> day of March 1922.

*[Signature]*  
Magistrate  
Subarnati



Whereas ...

... day of ...

...

Age of Offender—53

Crime—Breach

Place of residence—Subarnati, Subarnati, ...

Verdict—guilty

Opinion of the ...

*Warrant of Commitment on a sentence of imprisonment or fine if passed by a Magistrate or Sessions Court.*

(Sections 245, 258, 306 and 309.)

To

THE JAILOR of the Central Jail, Saharanp.

WHEREAS on the 18th day of March, 1922, Mohandas Karachand Gandhi, the 1st prisoner in case No. 45 of the Calendar for 1922, was convicted before me of the offence of exciting disaffection under section 124A of the Indian Penal Code (or of Act \_\_\_\_\_), and was sentenced to two years simple imprisonment for each of the three counts *i.e.* in all six years simple imprisonment as the sentences are consecutive.

THIS IS to authorize and require you, the said Jailer, to receive the said Mohandas Karachand Gandhi into your custody as the said Jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this 18th day of March, 1922.

SEAL

R. S. B.

Sessions Judge

Certified that the prisoner abovesigned suffered rigorous imprisonment from the \_\_\_\_\_ day of \_\_\_\_\_ 191\_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_ 191\_\_\_\_\_, and was released on the latter date.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 191\_\_\_\_\_.

Jailer

Age of Convict—33

Caste—Bania

Place of residence—Ashram, Saharanp., Ahmedshah

Plea—guilty

Opinion of the Assessor—

EX. 7

No. 174 of 1922

*Warrant of Commitment on a sentence of imprisonment or  
fine if passed by a Magisterial or Sessions Court.*

(Sections 245, 258, 306 and 309.)

To

THE JAILOR of the Central Jail, Seharan.

WHEREAS on the 18th day of March, 1922, Shantarlal Ghalabhai Bunker, the 2nd prisoner in Case No. 45 of the Calendar for 1922, was convicted before me, R. S. Broomfield of the offences of exciting disaffection under section (or sections) 124A of the Indian Penal Code (or of Act ) and was sentenced to six months simple imprisonment for each of the first two counts and a fine of Rs. one thousand and in default of fine further six months simple imprisonment on the third count. The sentences to run consecutively.

THIS IS to authorize and require you, the said Jailer to receive the said Shantarlal Ghalabhai Bunker into your custody in the said jail together with this warrant, and there carry the aforesaid sentence into execution according to law.

GIVEN under my hand and the seal of the Court, this 18th day of March, 1922.

S E A L

R S B

Sessions Judge

Certified that the prisoner abovesigned suffered rigorous imprisonment from the            day of            191    to the            day of            191   , and was released on the latter date.

Dated this            day of            191

Jailer.

Age of Convict—32

Caste—Bania

Place of Residence—Bombay

Pica—gentry

EXH. 3

S. C. No. 45 of 1932

Honoured Sir,

Whenever an accused is sentenced to pay a fine, a warrant to levy fine by distress is generally issued under S. 386 Cr. P. Code.

The words in S. 386 Cr. P. C. are "The Court may, in its discretion issue a warrant"

May I therefore know whether in Mr. Banker's case such a warrant for levy of fine by distress is to be issued

Submitted for favour of orders

19-3-32

Sd. Bhagbho

I do not think this need be done now. It may be done later if necessary

R. S. B.

20-3-32.

Fine not having been paid Govt. Pleader to be heard whether distress warrant should now issue

29-4-32

Sd. Bhagbho,

S. J.

Upon hearing the P. P. and reading his report, it is ordered that distress warrant for recovering fine from Shankerlal Chakrabarti Banker do now issue

1-11-32.

Sd. Bhagbho,

S. J.

---

[*Publisher's Note*—Exhibit 3 is the Sessions trial which is a notice issued to the Public Prosecutor to hear him on the point whether a distress warrant should issue, is not found in the record of the case.]

EXH 10

Sessions Case No. 45 of 1923

Read and recorded  
on 31.1.1923

Sd/- Dignibha  
Sessions Judge

IN THE COURT OF THE SESSIONS JUDGE OF AHMEDABAD

SESSIONS CASE NO. 45 OF 1923

IMPERATOR

VERSUS

SHANKERLAL CHELABHAI BANKER

In reply to the notice issued to me by the Court in the matter of the above case, I have been instructed to state that there is no reason why the warrant for the recovery of the fine should not be issued by the Court

31.1.1923

Girdharilal Uttamram  
P. P. Ahmedabad

Warrant to levy fine  
by distress and sale  
(Cri. Pro. Code, Sec-  
tion 380)

EXH. 11.

Sessions Case No. 43 of 1922.

No. 150 of 1922

**THE CHIEF PRESIDENCY MAGISTRATE, BOMBAY**

WHEREAS Shankarlal Ghalebhai Baskar of Bombay, was on the 18th day of March, 1922 convicted before me of the offence of evading qualification under S. 124A of the Indian Penal Code and sentenced to pay a fine of Rs. one thousand, 1000/-, and whereas the said Shankarlal Ghalebhai Baskar, although required to pay the said fine, has not paid the same or any part thereof;

THIS is to authorize and require you to make distress by seizure of an moveable property belonging to the said Shankarlal Ghalebhai Baskar which may be found within the City of Bombay and, if within six months next after such distress the said sum shall not be paid, to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court this 1st day of February, 1923.

SEAL.

Sessions Court,  
Ahmedabad

O/s.  
Sd/-  
Sessions Judge

[ *Pushkter's Note* —The warrant printed below is original of Es. 11 which was sent for execution. It was returned to the Court after execution.]

Warrant to levy fine by  
distress and sale M.C. No.  
P.P. Code. Section  
3851

No. 130 of 1923

3223

### THE CHIEF PRESIDENCY MAGISTRATE, BOMBAY

WHEREAS Shankarlal Chelabhai Bunker of Bombay, was on the 18th day of March, 1922 convicted before me of the offence of exciting disaffection under S. 124A of the Indian Penal Code and sentenced to pay a fine of Rs. One thousand, 1000/-, and whereas the said Shankarlal Chelabhai Bunker, although required to pay the said fine, has not paid the same or any part thereof,

THIS IS to authorize and require you to make distress by seizure of any moveable property belonging to the said Shankarlal Chelabhai Bunker which may be found within the City of Bombay and if within 14th April 1923 and after such distress the said sum shall not be paid, to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine, returning the warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the Seal of the Court this 1st day of February 1923

SEAL  
COURT OF SESSIONS,  
AHMEDABAD

Sd/-  
Sessions Judge

\*Fees retained in pursuance of the Court's order dated 12th May 1923

4423

Sd/-  
Sessions Judge



( On return of Warrant No. 130 of 1923 )

No. 611 of 1923

Bombay, 5th Feb. 1923.

Forwarded to the Commissioner of Police, Bombay for favour  
of compliance and I authorize the \_\_\_\_\_, services/execution  
hereof within the local limits of the jurisdiction of this court.

SEAL

PRESIDENCY MAGISTRATE'S COURT,  
BOMBAY

Sd/-

For Ag. Chief Presidency Magistrate  
Bombay

Sd/-

Superintendent of Police,

C Division

No. W/42 of 1923

Endorsed to Mr. Jones, Superintendent of Police, C Division,  
for execution

Sd/-

Dy. Commissioner of Police,  
(Karnal)

No. 540/C.D. of 23.

Endorsed to Insp. Copping for execution.

Received warrant

Sd/-

5/2/23.

Sd/-

Superintendent of Police,

"C" Div.

7/2/23.

Returned executed  
Sd/-  
Ag. Commissioner of Police,  
Bombay

Returned executed Motor Car No 4612 which stands on the name of Shastri Lal Ghelabhai has been annexed and forwarded herewith

Forwarded to office. Executed

The car is sent to office for disposal.

J. Copping,  
Inspector,  
General Section,  
8/3/33

EXH. 12

Sessions Case No. 48 of 1923

No. 1496/108 of 1923

Recorded on 21-3-1923  
Sd/-

Sessions Judge

From  
The Commissioner of Police,  
BOMBAY.

To  
The Sessions Judge,  
AHMEDABAD

POLICE COMMISSIONER'S OFFICE,  
Bombay, 22nd March, 1923

Sir,

In returning the accompanying warrant dated 1st February 1923 duly executed, I have the honour to inform you that on the authority of this warrant a motor car standing in the name of Mr Shankarlal Chhlabhai Banker was seized by the Police on the 5th instant and will be retained here for a period of six months as per instructions in the warrant.

I have the honour to be Sir,  
Your most obedient servant,  
Sd/-

Dy. Commissioner of Police,  
(Crown)

No. 570 of 1923.

Sessions Court,  
Ahmedabad, 4th April 1923.

Returned with compliments to the Commissioner of Police,  
Bombay

2 The period of six months mentioned in the warrant is curtailed as per note made in red ink on the warrant. The motor car should therefore be sold immediately on the expiry of that period unless the prosecutor who should be informed of this order pays up the fine on or before the 5th instant.

Sd/-  
Sessions Judge

Below Sessions Judge, Ahmedabad's endorsement  
No. 539 dated 4th April, 1923

No. 3099/1009 of 1923.

INSURANCE

Returned with compliments together with the warrant duly cancelled

2 The proposer was informed accordingly through the Superintendent, Yarnoda Central Prison. As the amount of fine was not paid up by the 8th instant the motor car was sold by public auction on the 12th idem for Rs 2,850/-. The amount of fine viz. Rs 1,500/- will be paid into the Imperial Bank of India by this office to the credit of Government immediately on receipt of the sale proceeds of the car from the auctioneers.

Head Police Officer  
Bombay, 12th April 1923. }

Sd/- (illegible)  
Ag. Commissioner of Police

EXCH 13

Sassoon Case No. 45 of 22

Saturday

Mr. Maganlal H. Mehta,

I want you to be in Court to-day about 6 P.M. with the papers in the matter of the distress warrant against Mr. Banker for the levy of the fine of Rs. 1,000/-.

I propose to write to the D.M., Ahmedabad to enquire whether he has any objection to the period of six months fixed in the warrant being curtailed and the motor car being ordered to be sold immediately.

You may draft a letter stating the facts and explaining that the period of six months was fixed in the ordinary course but that as the fine imposed can be recovered immediately by the sale of the car which has been attached, and as Mr. Banker has already served the substantial sentence of imprisonment, it would virtually amount to an enhancement of the sentence to detain him longer in prison after distress has been levied for the recovery of the fine.

I should like to have the D.M.'s views on the matter before taking action.

Please keep a typed present so that the letter may be despatched

to-day

8d/-

\_\_\_\_\_

Urgent & Immediate

*Subject* — Levy of fine of Rs. 1,000 from Mr. Shankarlal Ghalabhai Bankar by an immediate sale of his motor-car which has already been attached

NO 327 OF 1923

Sessions Court,  
Ahmedabad, 31st March 1923

From  
Dr. P. K. DeSouza, I. C. S.,  
Sessions Judge, Ahmedabad.

To  
H. T. Sotley, Esquire, I. C. S.,  
District Magistrate, Ahmedabad

Sir,

I have the honour to state that Mr. Shankarlal Ghalabhai Bankar, was, along with Mr. Mohandas Karamchand Gandhi, convicted by this Court on the 18th of March 1922 (Sessions Case No. 45 of 1922) for three offences under S. 124A, I.P.C. and was sentenced to an aggregate sentence of one year's simple imprisonment and to a fine of Rs. 1,000 and in default of payment of fine was ordered to undergo further simple imprisonment for six months.

2. The usual procedure of issuing a distress warrant simply—namely with the issue of the warrant to the jailor re—substantive imprisonment was not followed in this case as per note dated 20th March 1923 left by the then Sessions Judge (R. S. Broomfield, Esquire, I. C. S.). This note having come to my notice at the end of January last, I ordered the issue of a distress warrant in this case after consulting the Public Prosecutor of Ahmedabad, and the warrant was issued to the Chief Presidency Magistrate, Bombay, on 1st February 1923.

3. The usual period of six months for the sale of the property after distress has been levied was fixed in the warrant in the ordinary course. And the Commissioner of Police, Bombay City has returned the warrant to me making an endorsement thereon that a motor-car standing in the name of Mr. Shankarlal Ghalabhai Bankar has been attached by him, and that it would be retained for a period of six months as per instructions in the warrant.

4 In this connection I must bring to your notice the fact that Mr. Shambhaji Ghalabhai Bankar having been convicted on the 18th March 1922 to one year's simple imprisonment, he has already undergone the whole of the substantive imprisonment and that his detention in the jail after 18th March 1922 is for default of payment of fine. And if the motor-car were to be sold after six months from the date of its seizure by the Police, Mr. Bankar would by that time have served out the full period of adjective imprisonment also. Seeing that the fine imposed can be immediately recovered by the sale of the motor-car which has been attached, it seems to me that to delay the sale would be acting contrary to the spirit of the sentence.

5 Under these circumstances I have the honour to request you to be so good as to inform me whether you have any objection to the period of six months fixed in the warrant being curtailed and the motor-car being ordered to be sold immediately.

6 This matter may kindly be treated as a very urgent one and an immediately reply is therefore solicited.

I have the honour to be,

Sr.,

Your most obedient servant,

OC                      \$d/-

SESSIONS JUDGE

EXH 15

Sessions Case No 45 of 1922

NO. M. A. G.

From,

H T Sorley, Esquire, I. C. S.,  
District Magistrate, Ahmedabad

To,

The Sessions Judge, Ahmedabad,  
District Ahmedabad

*Subject* — Levy of fine of Rs 1,000 from Mr Shankarlal  
Chakrabarti Banker, by an immediate sale of his  
motor-car which has already been attached

Ahmedabad, 3rd March 1923

Sir,

With reference to your No 323, of the 31st March 1923, I have  
the honour to state that I have no objection to the course proposed  
but it would appear that the prisoner himself does not care whether  
he suffers the adjective imprisonment. If this is so, to carry out the  
sale means he will lose his motor-car.

Yours most obedient servant,

H T SORELY,

District Magistrate

If the prisoner is allowed to suffer the adjective imprisonment,  
he will lose the motor-car in any case, as the fine will have to be  
recovered even after adjective imprisonment is suffered.

So the warrant should be amended so as to curtail the period for  
payment of fine till 8th April. That day is fixed so as to give the  
prisoner one more chance of paying the fine, if he so wishes.

4 iv 24

Sd/-  
Sessions Judge



EXH 16

Sessions Case No. 45 of 1922.

NO 570 OF 1923

Sessions Court,

Ahmedabad, 4th April 1923.

Returned with compliments to the Commissioner of Police,  
Bombay

2 The period of six months mentioned in the warrant is curtailed as per note made in red ink on the warrant. The motor car should therefore be sold immediately on the expiry of that period unless the prisoner who should be informed of this order pays up the fine on or before the 8th instant

O C.

Sd/-

Sessions Judge

EXH 17

POSTS AND TELEGRAPHS

Recorded on  
14 4 1923

Sd/-

Sessions Judge

Handed in  
at office  
of origin

	Date	Hour	Minutes	Service instructions	Words
Bombay F	14	11	30	S T	26

Read here at 15 30

To

SESSIONS JUDGE,  
AHMEDABAD

11TH PLEASE SUBSTITUTE 11TH FOR 12TH  
IN LINE FOUR PARA 2 OF MY NUMBER  
3000/1081 OF 12TH INST

POLICE COMMISSIONER

(Endorsement on the reverse of Exhibit 17)

Urgent

The Assistant Superintendent,  
Criminal Branch

Now that Mr Banker is released from Jail, please arrange these papers in their proper order, write the proceedings and then send the record to the Record Room before Monday next for safe custody

Sd/-

26 4 23

108

EXH 18

Recorded on  
14 4 1923

Sd/-  
Sessions Judge

POSTS AND TELEGRAPHS

Handed in  
at office  
of origin

	Date	Hour	Minute	Service Instructions	Words
Bombay	14	16	25	X Sec.	21

Read here at 16 H 28 M

SESSIONS JUDGE AHMEDABAD

T/25 YR WIRE OF DATE STOP BANKERS  
FINE PAID IMPERIAL BANK OF INDIA  
TO-DAY  
= POLICE COMMISSIONER

EXH 19

Sessions Case No 45 of 1923

POSTS AND TELEGRAPHS

EXPRESS

STATE

To	Name	COMMISSIONER OF POLICE
>	Address	
>	Telegraph Office	BOMBAY

PLEASE MAKE IMMEDIATE PAYMENT BANKER'S  
FINE IMPERIAL BANK OF INDIA AND WIRE  
COMPLIANCE ISSUE OF RELEASE WARRANT  
AWAITING YOUR REPLY

SESSIONS JUDGE

Sessions Judge, Ahmedabad

NOT TO BE  
TELEGRAPHED

/ Signature  
/ and  
/ Address of  
/ Sender

Sd/-  
Sessions Judge, Ahmedabad

## Session Case No. 45 of 1922

11A)

*Intervention of the Recovery of Fine of the Undermentioned Concern Mr. Standard Chemicals Bank  
Submitted by the Sessions Judge, Ahmedabad.*

Name of the concern	Date of arrest of the debtor.	Amount of fine	Amount of fine previously received	Date on which the fine was received	Total Fine received
M. Standard Chemicals Bank	10-4-1922	Rs. 1000/-	1000/-	10th April 1922	1000/-

No. 360 of 1922  
Forwarded to the Judge of the District Court,  
Ahmedabad.

Totals

Rs. 1000/-

Sessions Court  
Ahmedabad  
(Date) 10-4-1922

O/s Jd/-

O/s Sd/- (B-1922)

Sessions Judge, Ahmedabad.

SEAL OF  
THE COURT  
OF SESSION,  
AHMEDABAD.

EXH 31

Sessions Case No 45 of 1922

Sessions Judge,  
Ahmedabad

Recorded on  
18-4-1922

Sd/-

Sessions Judge

I/24 PLEASE SUBSTITUTE 11TH FOR 12TH  
IN LINE FOUR OF PARA 2 OF MY  
NUMBER 3099/10/14 OF 12TH INSTANT

POLICE COMMISSIONER

No 3180/10b of 1922

Head Police Office

Bombay, 18th April 1922

Copy by post.

Sd/-

For Dy Commissioner of Police

EXH 22

Sessions Case No. 45 of 1923

Express State telegram

From

Commissioner of Police  
Bombay

Recorded on  
16.4.1923.

Sd/- (Illegible)  
Sessions Judge

To

SESSIONS JUDGE  
AHMEDABAD

T/25 YOUR WIRE OF DATE STOP BANKER'S  
FINE PAID IMPERIAL BANK OF INDIA  
TO-DAY.

---

No 3204 of 1923.

Police Commissioner's Office

Bombay, 14th April 1923

Copy by post

Sd/-  
Office Superintendent,  
Head Police Office  
for Dy Commr of Police

SEAL  
Commissioner of Police  
BOMBAY

EXHIBIT 23

No. 374 of 1922

*Warrant of Commitment on a sentence of imprisonment or  
fine of period by a Magistrate or Sessions Court.*  
(Sections 245, 258, 306, and 309).

To

The JAILOR of the Central Jail, Sabarmati.

WHEREAS on the 18th day of March, 1922, Shankarlal Ghelabhai Bankar, the 2nd prisoner in case No. 45 of the Calendar for 1922, was convicted before me R. S. Broomfield of offences of carrying distinction under section 124A of the Indian Penal Code (ar of Act 1) and was sentenced to six months' simple imprisonment for each of the first two counts and a fine of Rupees One thousand and in default of fine further six months' simple imprisonment on the third count, the sentences to run consecutively.

This is to authorize and require you, the said Jailer, to receive the said Shankarlal Ghelabhai Bankar into your custody in the said jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

GIVEN under my hand and the seal of the Court, this 18th day of March, 1922.

R. S. BROOMFIELD,  
Sessions Judge

SEAL OF  
THE COURT  
OF SESSION  
AHMEDABAD

Certified that the prisoner above named suffered simple imprisonment from the day of 191 to the day of 191, and was released on the latter date.

Dated this day of 191

Released on Receipt of fine Intention to-day

Expiry on 17th April 1923

Reasons.

Sd/-  
Jailer

Sd/-

Superintendent,

Yerrada Central Prison

Age of Convict : 32

Caste - Bama

Place of residence - Borshey

Religion - galla

Opinion of the Assessors—

No. 230

11111

In exercise of the powers conferred by Section 401 of the Code of Criminal Procedure, 1919, V of 1919, the Governor in Council is directed to remit unconditionally the unexpired portions of the 3 sentences of 3 years' simple imprisonment, the sentences to be commutative, passed upon Mahomed Faghemulla Ghani by the Sessions Court of Alameda and which sentence he is now undergoing in prison, and to direct that he shall be released forthwith.

*225*  
*24/2/24* In order of His Excellency the Most Honourable  
The Governor in Council

Given at Bombay, this <sup>2</sup> day of February 1924.

*David John*

Secretary to the Government of Bombay,  
Home Department.

The Superintendent, Yeranda Central Prison,  
The Civil Surgeon, Poona,  
The Inspector General of Prisons, Bombay Presidency,

Copies to :-

- The Sessions Judge, Alameda,
- The District Magistrate, Poona,
- The Inspector General of Prisons, Bombay Presidency,
- The District Superintendent of Police, Poona,
- The Personal Assistant to the Deputy Inspector General of Prisons, P. S. D., Poona,
- The Commissioner, Central Division,
- The Surgeon General with the Government of Bombay.
- The Police Commission, Poona, 24/2/24, 25
- 24/2/24

*225*  
*24/2/24*  
Warrant is for  
release of Ghani



## ORDER

In exercise of the powers conferred by section 491 of the Code of Criminal Procedure, 1898, V of 1898, the Governor in Council is pleased to remit unconditionally the unexpired portions of the 3 sentences of 3 years' simple imprisonment, the sentences to be consecutive, passed upon Mohandas Karmachand Gandhi by the Sessions Court of Ahmedabad and which sentences he is now undergoing in Poona, and to direct that he shall be released forthwith.

*By order of His Excellency the Right Honourable  
the Governor in Council.*

Given at Bombay, this 4th day of February 1934

Sd/-

Secretary to the Government of Bombay,  
Home Department

To

The Superintendent, Yeravda Central Prison,  
The Civil Surgeon, Poona,  
The Inspector General of Prisons, Bombay Presidency

Copies to :-

The Sessions Judge, Ahmedabad,  
The District Magistrate, Poona,  
The Inspector General of Police, Bombay Presidency,  
The District Superintendent of Police, Poona,  
The Personal Assistant to the Deputy Inspector General of  
Police, CID, Poona,  
The Commissioner, Central Division,  
The Surgeon General with the Government of Bombay,  
The Private Secretary to His Excellency the Governor of  
Bombay.

Warrant to be  
returned to Court.

No 373 p. 724

MINUTES - 1. 14-10-1914

CP 101

Return of Comptroller in a witness of imprisonment or fine  
if passed by a Magistrate or Justice Court.

(Sections 144, 145, 146 and 147)

To

The JAILOR - the Central Jail, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

of the Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

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Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

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Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

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Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

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Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

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Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

Prisoner in the 24<sup>th</sup> Jail, Lahore, Lahore, Lahore

[*Printer's Note*—This is the original of Ech. 6 sent to the Jailor who returned it to the Court on the release of Gandhi from jail.]

No. 373 of 1932.

*Warrant of Commitment on a sentence of imprisonment or fine if passed by a Magisterial or Sessions Court*

(Sections 263, 258, 306 and 309.)

To

The JAILOR of the Central Jail, Saharan.

WHEREAS on the 18th day of March 1932, Mohandas Karamchand Gandhi, the 1st prisoner in case No. 45 of the Calendar for 1932, was committed before me R. S. Broomfield of the offence of exciting disaffection under section 124A of the Indian Penal Code (or of Act \_\_\_\_\_), and was sentenced to two years' simple imprisonment for each of the three counts; *i. e.*, in all six years' simple imprisonment as the sentence is construed.

THIS IS to authorize and require you, the said Jailor, to receive the said Mohandas Karamchand Gandhi into your custody in the said jail, together with this warrant and there carry the aforesaid sentence into execution according to law.

GIVEN under my hand and the seal of the Court, this 18th day of March 1932.

R. S. BROOMFIELD,  
Sessions Judge

Certified that the prisoner abovesigned suffered simple imprisonment from the 18th day of March 1932 to the 5th day of February 1934 and was released on the latter date, as per Government order, Home Department D/ 4-2-34 read here to-day.

Dated this 5th day of February 1934

Sd/-  
Jailor

Lt. Colonel, I.M.S.,  
Superintendent,  
Yerwda Central Prison

Age of convict 53  
Caste Banja  
Place of Residence Ashram, Saharan, Ahmedabad.  
Pun Guilty

*Previous convictions or orders in foreign country under Chapter VIII of the Code of Criminal Procedure*

[illegible]

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Sketches of Gandhi and Kasturba drawn by the Artist  
Rameshanker M. Raval, Esq., at the time of the trial

*By the courtesy of—  
Rameshanker M. Raval, Esq.*

## PART IV





Ahmedabad,  
6th March 1922.

Under the authority of the Government of Bombay's order of the 4th of March 1922 I hereby lodge a complaint under Sec 124-A of the Indian Penal Code, 1860, against Mohandas Karamchand Gandhi and Shantarlal Ghalabhai Bankar, Editor and printer, respectively of the "Young India" newspaper, printed and published at Ahmedabad, in respect of the following articles which appeared in the issues of the said newspaper specified below :—

Serial No.	Articles	Date of issue in which it appeared
1	Disaffection a virtue	12th June 1921
2	Tampering with Loyalty	29th September 1921
3	A Puzzle and its Solution	15th December 1921
4	Shaking the masses.	23rd February 1922.

D. HEALY,  
D. S. Police, Ahmedabad

Daniel Healy, Superintendent of Police, Ahmedabad District  
states on S. A.

I have an order from Government of Bombay, sanctioning the prosecution of M. K. Gandhi and S. G. Bankar, the editor & printer respectively of the Young India newspaper printed and published at Ahmedabad. I produce copies of the 4 numbers of Young India referred to in my written statement. The first copy (Ex. A) dated 13/6/21 contains the article 'Disaffection a Virtue' intitled 'M. K. G.'—Mr Gandhi's article. The 2nd article in the issue for 29/9/21, called 'Tampering with Loyalty' is headed 'by M. K. Gandhi'. The 3rd 'A puzzle and its Solution' in the issue of Young India dated 13/12/21 is headed 'by M. K. Gandhi'. The 4th article 'Shaking the Masses' in the issue of 23/1/22 is headed by M. K. Gandhi. I

produce the means containing these articles (Exhibits A, B, C & D)  
The contents of these articles are openly seditious within the meaning  
of Section 124A I P C

D HEALY

Before me

G. E. Chetfield

D. M. Ahmedabad

6/3/22

Warrants issued to the D. S. P. Sarat & Ahmedabad and the  
Commissioner of Police Bombay

6/3/22

GEC

Warrants issued to the D. S. P. Ajmer as it is represented to me  
that the accused are proceeding there

8/3/22

GEC

Search warrant issued to DSP Ahmed to search the Navjeevan Press  
for documents proving Mr Gandhi's connection as Editor with  
Young India for the years 1921-1922

GEC

10/3/22

As it appears to me on the representation of the complainant  
that any own evidence is necessary in this case I transfer it to the  
Court of the P. A. and F. C. M. Mr Brown

GEC

11/3/22

Warrant to levy fine  
by distress and sale  
Crim. Pro. Code  
Section 386

Not to be sent for the  
present as per order  
of the Court on the  
annexed chit

The Chief Presidency Magistrate, Bombay

Whereas Shankarlal Chelabhai Banker of Bombay, was on the 18th day of March 1922 convicted before me of the offence of evading distractions under S. 124A of the Indian Penal Code and sentenced to pay a fine of Rs. one thousand, 1000/-, and whereas the said Shankarlal Chelabhai Banker although required to pay the said fine, has not paid the same or any part thereof,

This is to authorize and require you to make distress by seizure of any moveable property belonging to the said Shankarlal Chelabhai Banker which may be found within the City of Bombay and, if within six months next after such distress the said sum shall not be paid, to sell the moveable property distrained, or so much thereof as shall be sufficient to satisfy the said fine, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution

Given under my hand and the Seal of the Court this       day  
of March 1922

For signature use  
the above note

Sessions Judge

IN THE SESSIONS COURT OF AHMEDABAD  
KING-EMPEROR

vs

- 1 Mahandas Karamchand Gandhi
- 2 Shankarlal Chetabhai Banker

The abovesaid gentlemen have been charged with an offence under section 124A I P C and committed to the Court of Sessions by the Additional District Magistrate Mr Brown for trial on the said charge.

The abovesaid gentlemen on being asked by the Committing Magistrate whether they wanted time to call evidence for the defence in the Sessions Court they said that they did not want to call any evidence for defence and that they were willing to have the case tried on the earliest available date except Monday.

As the Courts would remain closed from the 12th instant to the 15th instant the earliest date available would be the 16th instant and the abovesaid gentlemen on being asked whether the 16th instant would suit them, they said "Yes" I have therefore to request the Hon'ble Court to be pleased to order the case to be set down for a hearing on Saturday the 16th instant.

11-3-22

GIRDHARLAL UPTADEKAR,  
Public Prosecutor,  
Ahmedabad

*Appointments*

Special Public Prosecutor under  
section 492, Criminal Procedure  
Code.

... of Sir T. J. Stringman in a  
criminal case in the Sessions  
Court at Ahmedabad

GOVERNMENT OF BOMBAY,

LEGAL DEPARTMENT,

Resolution No 537

Secretariat, Fort, Bombay, 16th March 1922

<u>RESOLUTION</u> —Under section 492 of the Criminal Procedure	
in the Sessions Court at Ahmedabad	Code, the Governor in Council is
Enacted	pleased to appoint Sir Thomas
"	J. Stringman, Advocate General,
M. K. Gadhvi	as Special Public Prosecutor for
S. G. Basker	conducting the case noted in the
(Signed under sec. 492A I P Code)	margin

1. The Public Prosecutor, Ahmedabad is directed to assist Sir  
Thomas Stringman in the case

By order of the Governor in Council

A. C. WILD,  
Secretary to the Government of Bombay,  
Legal Department

To

The Home Department  
The Finance Department  
The Accountant General  
The Commissioner, M.D.  
The District Magistrate, Ahmedabad  
The Sessions Judge, Ahmedabad  
The Advocate General  
The Public Prosecutor, Ahmedabad

No. 164 of 1922

Process to summon  
Jurors or Assessors  
(Criminal Procedure  
Code Section 326)

Very  
Urgent

To

R. S. M. M. Joshi,  
City F.C. Magistrate of Ahmedabad

Whereas a Criminal Session is appointed to be held in the  
Sahibg. Commissioner's Office at Ahmedabad on Saturday the 18th  
day of March 1922 and the names of the persons herein stated have  
been duly drawn by lot from among those named in the revised list  
of Assessors furnished to this Court,

You are hereby required to summon the said persons to attend  
at the said Court of Session at 11-30 a.m. sharp on the said date at  
the abovesmentioned place and, within such date, to certify that you  
have done so in pursuance of this process.

No. 258	Mr	Pratapsing Vagaji Dasa
" 340	"	Nanj. Potting
" 324	"	Madhvatil Kishoregiri
" 170	"	Kishvatil Belvantrao Najarkar
" 162	"	Kaneshwar Laladhar Shrotri
" 88	"	Dahyabhai Motiram
" 97	"	Dahyabhai Damodardas
" 3	"	Arifshah Dadabhai
" 124	"	Himlal Chhotale
" 179	"	Murali Chhotale

Returnable  
on Thursday  
the 16th  
Instant at  
3.30 P.M.

Given under my hand and the Seal of the Court, this 13th day  
of March 1922.

13/3/22

4 P. M.

K. K. THAKOR,  
Registrar,  
for Sessions Judge

SEAL OF  
THE COURT  
OF SESSION,  
AHMEDABAD

[*Publisher's Note*—There are Gujarati writings on this and other summonses to assessors. For the benefit of readers the English translation of the Gujarati writings are given in brackets.]

### XXXIII: SUMMONS TO ASSESSOR

(See Section 128)

To

શ્રી યશવંતી દાસ  
અમદાવાદ શહેર,  
આઈ ગુડ્સ ક્લર્ક

(Mr. Delyabhai Dandas,  
Ahmedabad Station  
Ass. Goods clerk.)

Pursuant to precept directed to me by the Court of Session of અમદાવાદ (Ahmedabad), requiring your attendance as an Assessor at the next Criminal Sessions, you are hereby summoned to attend at the said Court of Sessions at અમદાવાદ શહેરના આઈ ગુડ્સ ક્લર્કના કામના (Ahmedabad Station Office of Commissioner Sahib) at 11 O'clock in the forenoon on the ૧૮મી (18th) day of ૧૩૫૧ ૧૬૪૬ અ. શ. (March 1922, Saturday).

Given under my hand and the Seal of Office, this ૧૩ (13th) day of ૧૩૫૧ (March) 1922.

13-3-22

Respect

શ્રી મેજિસ્ટ્રેટ અમદાવાદ.

(City Magistrate Ahmedabad.)

પા. ૧૧-૩-૧૩-૬  
આઈ ગુડ્સ ક્લર્ક આઈ ગુડ્સ ક્લર્ક  
શ્રી આઈ ગુડ્સ ક્લર્ક  
અમદાવાદ શહેર.

(Issued for service  
and return before 13-3-22  
To D T Supar Sahib.)

શ્રી મેજિસ્ટ્રેટ અમદાવાદ  
શ્રી આઈ ગુડ્સ ક્લર્ક

(Seal of the First  
Class Magistrate)

(On the reverse of the above summons.)

Mano. F 253

Registered with compliments  
to the City Magistrate, Ahmeda-  
bad, with the intimation that a  
copy of this Summons has been  
delivered to the party whose  
signature is sent herewith.

સહ  
સી. મેસ્ટર  
અમદાવાદ  
14/3/22

Urgent

Forwarded with compli-  
ments to the Sessions Judge,  
Ahmedabad.

3 One additional Summons  
for the Assessor has been served  
and sent down. The assessor  
can be utilized if necessary.

સહ  
16-3-22

# XXXIII - SUMMONS TO ASSESSOR

(See Section 128)

To

શ્રી પ્રિયંતમ વ્રજરા દાસ  
શ્રી આ. રૂઢિયા હિંચ  
આઈ આસ

(Mr. Priyantam Vrajra Das,  
P. R. Training College  
Asst. Master.)

Pursuant to process directed to me by the Court of Sessions of Ahmedabad requiring your attendance as an Assessor at the next Criminal Sessions, you are hereby summoned to attend at the said Court of Sessions at Ahmedabad Shukhrag Office of Commissioner Sahib at 11 O'clock in the forenoon on the ૧૫ (15th) day of માર્ચ ૧૯૨૨ (March 1922, Sunday)

Given under my hand and the Seal of Office, this ૧૩ (13th) day of માર્ચ (March) 1922

P. V. Das  
14-3-22

13-3-22 Hingabk  
શ્રી મેગિસ્ટ્રેટ આમદાવાદ  
(City Magistrate Ahmedabad)

આ ૧૩-૩-૧૯૨૨  
આઈ આઈ. આસ આસ  
શ્રી આ. રૂઢિયા હિંચ શ્રી-પ્રિયંતમ  
આઈ આસ  
આસ આસ આસ  
આસ, મેગિસ્ટ્રેટ આ. રૂઢિયા આઈ

Issued for service and  
return before 13-3-22  
to the Principal Sahib of  
P. R. Training College  
Sent for necessary action  
Through Police Sub-Inspector )

મારું આઈ આઈ આસ  
આ. રૂઢિયા

(Seal of the First  
Class Magistrate)



# XXXIII SUMMONS TO ASSESSOR

(See Section 128)

To

શ્રી નાનજી પ્રેમજી  
સહીત ડી. આર્ટીસ્ટ વોકીંગ  
કમ્પાની

(Mr Nanji Premjag  
C/o Artiste Woking Company  
Typist )

Pursuant to precept directed to me by the Court of Session of  
અમદાવાદ (Ahmedabad), requiring your attendance as an Assessor  
at the next Criminal Session, you are hereby summoned to attend at  
the said Court of Session at અમદાવાદ શહેરના કોમિશનર સહીત  
કચેરી (Ahmedabad Shahrang Office of Commissioner Sahib)  
at 11 O'clock in the forenoon on the ૧૮મી તિથી day of ૧૩૩૧  
સર ૩-૩ (March 1922, Saturday)

Given under my hand and the Seal of Office, this ૧૩ તિથી  
day of ૧૩૩૧ (March) 1922

13-3-22  
શ્રી કચેરી અમદાવાદ  
(City Magistrate Ahmedabad)

સર ૧૩-૩-૨૨ તિ  
આજે આજે શ્રી આર્ટીસ્ટ વોકીંગ  
કમ્પાની કચેરી આ કચેરીમાં ડી. આર્ટીસ્ટ  
વોકીંગ કમ્પાની

(Sent to Mr Kanchayala,  
Police Sub-Inspector, D A  
for service and return before 13-3-22 )

આ કચેરીમાં  
ડી. આર્ટીસ્ટ

(Seal of the First  
Class Magistrate)

(On the reverse of the Summons)

નાનજી પ્રેમજી, સહી + કચેરી

(Nanji Premjag by his own hand )



# XXXIII SUMMONS TO ASSESSOR

(See Section 328)

To

શ્રી. કૌશલભાઈ સુભાષ રાજા  
ગુજરાત ઈરિગેશન ડિપાર્ટમેન્ટ  
અમદાવાદ

(Mr. Keshubhai Subhash Rajekar  
Gujarat Irrigation Office  
Ahmedabad)

Pursuant to precept directed to me by the Court of Sessions of Ahmedabad, requiring your attendance as an Assessor at the next Criminal Sessions, you are hereby summoned to attend at the said Court of Sessions at Ahmedabad on the 14th day of March 1922 at 11 O'clock in the forenoon on the 14th day of March 1922, Saturday.

Given under my hand and the Seal of Office this 13th day of March 1922

13-3-22

Respectfully,  
Sd/- Keshubhai Rajekar  
(City Magistrate Ahmedabad)

શ્રી. ૧૪-૩-૧૯૨૨  
અમદાવાદ નગર પાલિકાના કચેરીમાં  
અમદાવાદ નગર પાલિકાના કચેરીમાં  
શ્રી. કૌશલભાઈ સુભાષ રાજા  
(Sent to Mr. Keshubhai,  
Police Sub-Inspector, D.A.  
for service and return before 13-3-22.)

(Seal of the Court of Sessions  
Ahmedabad)

(Seal of the First  
Class Magistrate)

K. B. Jankar  
14/3/22

# XXXIII -SUMMONS TO ASSESSOR

(See Section 338)

To

શ્રી. કમીશ્વર લાલદાસ શાસ્ત્રી  
ગેરવડા બીરબા  
ગાંધી. અમી-સીંગ ગામના

(Mr. Kameshwar Laladhar Shastri  
National Mills  
Asst. Spinning Master.)

Pursuant to precept directed to me by the Court of Session of Ahmedabad, requiring your attendance as an Assessor at the next Criminal Sessions, you are hereby summoned to attend at the said Court of Sessions at ગાંધીના આજીવાન ધી. અમી-સીંગ ગાંધીના. (Ahmedabad District Office of Commissioner Subb) at 11 O'clock in the forenoon on the ગાંધી. 11th day of ગાંધી. ગાંધી. ગાંધી. 11-3-22 (March 1922, Saturday).

Given under my hand and the Seal of Office, this ગાંધી. 11th day of ગાંધી. (March) 1922

11-3-22

શ્રીગણેશ  
શ્રી. ગાંધીના ગામના.  
(City Magistrate Ahmedabad)

શ્રી. 14-3-22 ધી.  
ગાંધીના ગાંધી. ગાંધીના ગાંધી.  
ગાંધીના ગાંધીના ધી. ગાંધી ધી. ધી. ધી.  
શ્રી. ગાંધીના ગાંધી.

(Sent to Mr. Karamwala,  
Police Sub-Inspector, D. A.  
for service and return before 15-3-22.)

ગાંધીના ગાંધીના ગાંધીના  
શ્રી. ગાંધીના  
(Seal of the First  
Class Magistrate)

શ્રી. ગાંધીના ગાંધીના  
(Kameshwar Laladhar Shastri.)

## XXXIII - SUMMONS TO ASSESSORS

(See Section 135)

To

શ્રી હનુમાન મોરારી  
ગણતંત્ર ડેવે ડાયેક્ટરિયલ ડિવિઝન  
મુખ્ય મંત્રી  
૨, વાલ્મીકી સ્ટ્રીટ મુમ્બઈ ૨૬

( Mr. Hanuman Motaram  
General E and Manufacturing Company  
Trade Manager  
Pachoti Pole Near Bagdadi )

Pursuant to precept directed to me by the Court of Sessions of  
મુમ્બઈ (Ahmedabad) requiring your attendance as an Assessor  
at the next Criminal Sessions you are hereby summoned to attend at  
the said Court of Sessions at મુમ્બઈ જિલ્લાના ૨ મુખ્ય મંત્રી  
ડેવિઝન (Ahmedabad District Office of Commissioner Sahib)  
at 11 O'clock in the forenoon on the ૧૮મી ૧૯૩૨ થી ૧૯૩૩  
મુ ૨૬ (March 1932, Saturday)

Given under my hand and the Seal of Office, this ૧૬ (16th)  
day of માર્ચ (March) 1932

13-3-32

Magistrate

શ્રી મુખ્ય મંત્રી  
(City Magistrate Ahmedabad)

અ ૧૬-૩-૩૨-મી મુખ્ય મંત્રી  
૧૬ માર્ચ ૧૯૩૨ મુમ્બઈ  
મુખ્ય મંત્રીના ડેવે ડાયેક્ટરિયલ ડિવિઝન  
શ્રી મુખ્ય મંત્રી

( Sent to Mr. Kanungo, Police Sub-Inspector, D.A.  
for service and return before 15-3-32 )

મુખ્ય મંત્રી, મુમ્બઈ-૨  
૨૬ માર્ચ

( Seal of the First  
Class Magistrate )

મુખ્ય મંત્રી મુમ્બઈ મુખ્ય મંત્રી  
૨૬-૩-૩૨ મુમ્બઈ મુખ્ય મંત્રી  
અ ૧૬-૩-૩૨ મુખ્ય મંત્રી  
( Shri Hanuman Motaram is his own hand.  
Copy of Summons is received  
Date 15-3-32  
Hanuman Motaram )

Serial Number of Newspaper	(a) Age, (b) Race, (c) Occupa- tion	Place of Residence	Date and Time of arrest	Whether on Indian reservations	Present status (including)
1. M. K. Ghosh	(a) 25 (b) Hindu Brahmin (c) Journal- ist Writers	Calcutta	10.30 p.m. September 21, 1931	Yes	Free
2. N. C. Ghosh	(a) 42 (b) Hindu Brahmin (c) Journal- ist	Calcutta	do	do	do

Meaning of "prints, framed and a copy of the"

- Witness No. 1 being the editor of the paper "Young India" on or about the 25th day of September 1931, the 15th day of December 1931 and the 25th day of February 1932 at Ahmedabad did write the words contained and marked in the said newspaper (hereinafter) of the "Young India" and by these written words did bring or attempt to bring into hatred or contempt or did write or did attempt to write defamation towards His Majesty or the Government established by law in British India.
- Witness No. 2 being the printer of the paper "Young India" on or about the 25th day of September 1931 the 15th day of December 1931 and the 25th day of February 1932 at Ahmedabad did print the words contained and marked in the said newspaper (hereinafter) by these written words did bring or attempt to bring into hatred or contempt or did write or attempted to write defamation towards His Majesty or the Govt. established by law in British India.

Report

M. K. Gandhi etc

I P Code

No. 1

List of Mediated articles	Names of Participants and persons	Names of delegates and persons
No	12. Shree. Begum D.P. A'bad.  S. D. Shree Beg., Registrar Appellate side, Bombay	No
No	G. H. Chitfield Begum, District Magistrate, A'bad.  Mr. G. K. Pethani, Sub Inspector Intelligence Branch, A'bad  Jeshabai Vithal, Head Constable, Intelligence Branch, A'bad	
Date of Occasional Order	Name and designation of the Constituting Officer	Remarks
11th March 1949	L. K. Brown Begum, Additional District Magistrate, A'bad	

Forwarded with compliments to the Sessions Judge, Ahmedabad.

Ahmedabad, 11 March 1949

Ed L. K. BROWN,  
Additional District Magistrate,  
Ahmedabad.







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